

The motion was agreed to; and (at 6 o'clock p. m., Tuesday, October, 13, 1914) the Senate took a recess until to-morrow, Wednesday, October 14, 1914, at 11 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 13 (legislative day of October 8), 1914.

UNITED STATES ATTORNEY.

George W. Anderson to be United States attorney, district of Massachusetts.

POSTMASTERS.

FLORIDA.

William C. McLean, Orlando.

GEORGIA.

William M. Howard, Barnesville.

MISSISSIPPI.

Willie Magee, Bude.

NEW YORK.

William H. Hennessey, Skaneateles.

James W. Kelly, Long Island City.

Harry E. Savage, Dexter.

Willard H. Tappan, Baldwinsville.

REJECTION.

Executive nomination rejected by the Senate October 13 (legislative day of October 8), 1914.

Marjorie J. Bloom to be postmaster at Devils Lake, N. Dak.

HOUSE OF REPRESENTATIVES.

TUESDAY, October 13, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, God over all, our Creator and our Father, in whom there is no variableness, neither shadow of turning, so move, we pray Thee, upon the hearts of Thy children that they may subject their wills to Thine, that pure and undefiled religion may reign supreme in every heart, in every home, in every land throughout the earth; and unto Thee, the God of love, be glory and praise forever. In the name and spirit of the Christ. Amen.

The Journal of the proceedings of yesterday was read.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

CHANGE OF REFERENCE.

Mr. BULKLEY. Mr. Speaker, Senate bill 6398 has been referred to the Union Calendar. I think it should be on the House Calendar, and I ask unanimous consent that that change of reference be made.

The SPEAKER. Does it call for an appropriation?

Mr. BULKLEY. No; it is to amend the Aldrich-Vreeland Act.

Mr. STAFFORD. Does it put any burden on the Treasury?

Mr. BULKLEY. No; it provides for a greater amount of commercial paper to be available as security for emergency currency.

Mr. STAFFORD. Does not that put a tax on the Treasury?

Mr. BULKLEY. No; the expenses are all paid by the banks.

The SPEAKER. The Chair will investigate it. The Chair does not wish to have it changed now without investigation, for it might have to put it back again.

NORMAN E. IVES.

Mr. LLOYD. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 535 (H. Rept. 1188).

Resolved, That there shall be paid out of the contingent fund of the House \$1,200 to Norman E. Ives, for extra and expert services rendered to the Committee on Invalid Pensions during the first and second sessions of the Sixty-third Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. LLOYD. Mr. Speaker, this is about the usual amount that has been paid to this expert detailed from the Pension Bureau. There never has been any fixed amount for the services.

Mr. STAFFORD. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STAFFORD. Has it been the uniform practice for Congress to vote an allowance to this clerk assigned to the Invalid Pensions Committee from the Pension Department?

Mr. LLOYD. Yes; it has for a number of years.

Mr. STAFFORD. Can the gentleman inform us how much the maximum amount is that has been paid?

Mr. LLOYD. In the Sixty-second Congress he was paid \$2,400 for the entire Congress. In the Sixty-first Congress he was paid \$2,400.

Mr. STAFFORD. That is for the Congress or the session?

Mr. LLOYD. For the first and second sessions.

The resolution was considered and agreed to.

WILLIAM M'KINLEY COBB.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 483 (H. Rept. 1189).

Resolved, That there shall be paid out of the contingent fund of the House \$1,200 to William McKinley Cobb, for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-third Congress as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

Mr. LLOYD. Mr. Speaker, this is a similar authorization and a similar amount to the man detailed from the Pension Bureau to the Committee on Pensions.

Mr. STAFFORD. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STAFFORD. Do I understand that the same rule has been applied to the Committee on Pensions as applied to the Committee on Invalid Pensions?

Mr. LLOYD. Yes; except that the expert detailed to the Committee on Pensions has not received quite so much as the one detailed to the Invalid Pension Committee. This places them on the same basis. As far as the work performed during the last two sessions is concerned, they have apparently done the same service and are entitled to the same pay. Their services have been very valuable.

Mr. STAFFORD. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STAFFORD. What has been the maximum amount paid the expert to the Committee on Pensions?

Mr. LLOYD. In the Sixty-second Congress he was paid \$1,750. In the Sixty-first Congress he was paid \$1,750.

Mr. CRISP. Mr. Speaker, I want to say to the gentleman from Wisconsin that I served on the Committee on Pensions, and I have personal knowledge that Mr. Cobb has worked nearly every day and Sundays writing up the records; and I am sure that the members of the Committee on Pensions, irrespective of party, will say that he has earned this amount for faithful and efficient service. The committee has acted on a great many more bills than any other Committee on Pensions.

Mr. STAFFORD. I can see that with the work of the Committee on Invalid Pensions becoming less by reason of the passage of the service-pension law and the work of the Committee on Pensions becoming more by reason of the increase of age of Spanish-American War veterans that they should be put on a parity.

Mr. CRISP. He has had to write up every case before the committee acted upon it.

Mr. STAFFORD. I am very glad to have the testimony of the gentleman from Georgia.

Mr. HUMPHREY of Washington. Mr. Speaker, do I understand that this is an increase of salary?

Mr. LLOYD. No.

The SPEAKER. The question is on the resolution.

The question was taken, and the resolution was agreed to.

JENNIE MERCER.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 582 (H. Rept. 1187).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Jennie Mercer, widow of Philip Mercer, late messenger to the Committee on Pensions of the House, an amount equal to six months of his compensation as such messenger, and an additional amount, not exceeding \$250, to defray the funeral expenses of said Philip Mercer.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12161. An act to remove the charge of desertion against John Mitchell; and

H. R. 13296. An act for the enlargement, etc., of the Wall Street front of the assay office in the city of New York.

EXTENSION OF REMARKS IN THE RECORD.

Mr. RAKER. Mr. Speaker, I desire to submit a request for unanimous consent. I ask unanimous consent that I may extend my remarks in the Record upon the subject of the forest-reserve policy.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record on the conservation policy. Is there objection?

Mr. RAKER. Mr. Speaker, at the same time I ask unanimous consent that I may extend my remarks upon the question of woman suffrage, and that I may print in the Record a telegram from Dr. Anna Howard Shaw.

Mr. BARNHART. Mr. Speaker, I object to the telegram part of it.

Mr. STAFFORD. Mr. Speaker, one request a day is considerable for any Member to make. I object.

The SPEAKER. Is there objection to the gentleman's first request to extend his remarks in the Record upon the subject of conservation? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman to extend his remarks upon the subject of woman suffrage?

Mr. STAFFORD. Mr. Speaker, I think the gentleman should prefer that request to-morrow or some other day.

The SPEAKER. The gentleman from Wisconsin objects.

WILLIAM C. ADAMS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take up House joint resolution 362, discharge the Committee on Indian Affairs from further consideration of the same, and consider it at this time.

The SPEAKER. The gentleman from Texas asks unanimous consent to take up House joint resolution 362, discharge the Committee on Indian Affairs from further consideration of it, and consider it at this time. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution to correct an error in the enrollment of certain Indians enumerated in Senate Document No. 478, Sixty-third Congress, second session, enacted into law in the Indian appropriation act approved August 1, 1914.

Resolved, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to substitute the name of William C. Adams in place of Mitchell C. Adams, jr., in the list of Mississippi Choctaw Indians enumerated in Senate Document No. 478, Sixty-third Congress, second session, which Indians so enumerated in said document were authorized to be enrolled on the respective rolls of the Five Civilized Tribes by section 17, paragraph 9, of the act entitled "An act making appropriations for the current and contingent expenses for the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand this is merely to correct a typographical error in the spelling of the name of a person who was to receive allotment of Indian lands.

Mr. STEPHENS of Texas. That is true. The name should have been William, and it is Mitchell.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the resolution was passed was laid on the table.

THE PHILIPPINE ISLANDS.

The SPEAKER. Under the special rule the House will resolve itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands, and the gentleman from Indiana [Mr. ADAIR] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18459, the Philippine bill, with Mr. ADAIR in the chair.

The Clerk reported the bill by title.

Mr. STAFFORD. Mr. Chairman, I understand that section 21 is still open to amendment.

The CHAIRMAN. Yes.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. My purpose is to direct the attention of the chair-

man of the committee to an apparent hiatus that was created in the preceding section in the amendment that was adopted to it in providing that the term of the first Commissioner shall expire on March 4, 1921. If the gentleman will follow the mathematical feature of it, he will find that under the phraseology in the present paragraph it provides that the successor is to take his office from the 4th of March following the election, that phraseology being found in lines 6 and 7, on page 17. The election will be held in June, 1921. It is provided here that the term of the Commissioner is to expire on March 4, 1921. There will be no Resident Commissioner from March 4, 1921, until March 4, 1922, when the successor takes his office. There is a hiatus that must be corrected, otherwise there will be no Commissioner representing the Philippine Islands here at Washington.

Mr. JONES. Mr. Chairman, I am very glad the gentleman has called my attention to that. This was a consequential amendment, which was adopted rather hastily, and it may be open to the objection suggested by the gentleman from Wisconsin. Therefore I am going to ask unanimous consent that we may return to this section later for the purpose of perfecting the language to which the gentleman from Wisconsin has called attention.

Mr. STAFFORD. That is entirely satisfactory.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that this section may be returned to later for the purpose of perfecting the language referred to. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I would like to ask a question of the gentleman from Virginia, and therefore I want to direct his attention to section 18, page 13, to a verbal change, which looks to me important. Beginning in line 20, after the word "proceedings," we find the following language:

Both houses shall convene at the capital on the 16th day of October following the next election—

And so forth.

Ought not the words "the next" be stricken out? If they are to convene on the 16th of October following the next election, that would indicate the election next after they were to convene, which, of course, would be entirely improper. If the word "next" is to be retained, should it not read—

On the 16th day of October next following the election?

Has not that been transposed there in such a way as to spoil the meaning of it?

Mr. JONES. Mr. Chairman, I have not had an opportunity to examine this question, and I am going to make the same request in respect to this section that I made as to the other, so that we may take them up and consider the two matters together.

Mr. GARRETT of Tennessee. Mr. Chairman, I have no objection to the request, but before the gentleman does that this thought occurs to me: A subsequent section provides that the Philippine Legislature may itself fix the date of its meeting after this first meeting, and the thought is that this would simply provide for the first meeting of the legislature, and that then thereafter they would take care of it themselves.

Mr. MILLER. The gentleman will observe this paragraph is not devoted at all to the first session of the legislature, but is a general paragraph prescribing generally when the legislature is going to meet after the general election. The paragraph which is concerned with the first legislature is section 16.

The CHAIRMAN. Will the gentleman from Virginia state his request again?

Mr. JONES. My request, Mr. Chairman, was that I ask unanimous consent to return to section 18 for the purpose of perfecting certain language in that section.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to section 18 for the purpose of perfecting certain language in the section. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Mr. Chairman, that request, I believe, passes this section over for further consideration as to that particular matter?

The CHAIRMAN. Yes; as to that particular matter.

Mr. TOWNER. Mr. Chairman, I desire to offer the following amendment. I move to strike out from line 23, page 17, all after the word "appoint," and on line 24, running down and including the word "senate." In other words, I move to strike out the words "by and with the consent of the Philippine Senate."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 17, lines 23 and 24, by striking out the words "by and with the consent of the Philippine Senate."

Mr. TOWNER. Mr. Chairman, this section refers to the powers of the Governor General of the Philippine Islands. It provides that all appointments that he shall make must be confirmed by the Philippine Senate. In my judgment that is an exceedingly unwise requirement. The number of officers will be large that the Governor General will be required to appoint. They will be exceedingly diversified in character, from those of the greatest importance, analogous to our Cabinet appointments, down to the lowest type of officers who may represent the central government in the Philippines. If it shall be required that every one of those officers shall be approved by the senate who are appointed by the Governor General, it will make large batches of them sent to the senate for approval and confirmation. Consideration will be impossible, and it will be impossible, I will say to the committee, that those appointments can be made when they are needed. Unless you provide that there shall be a continuous session of the senate those appointments can not be made. Of course, it is desired that there shall not be long and continuous sessions of the legislature. It is not desired that the legislature shall be continuously in session as the Congress of the United States is almost continuously in session, and to make these appointments dependent upon the confirmation of the senate is, in my judgment, seriously to impede the effective operation of governmental affairs in the Philippines.

Not only is that true, Mr. Chairman, but I desire to suggest to the committee this further reason why I think these appointments ought not to be made: The division, that we all approve, of governmental power into the executive and into the legislative departments comes much closer to the people in the States and in the Territories than in the National Government. While of course the appointments of the President are, many of them, subject to confirmation of the Senate, we will find that in the States and, I think very rarely, in the Territories is the executive power to appoint limited by the necessity of confirmation by the senate. It is a proposition that we all ought carefully to consider by which we make the exercise of legislative power dependent upon executive approval—nay, I will not say dependent upon executive approval, but really controlled by executive power.

Mr. GOULDEN. Will the gentleman yield?

Mr. TOWNER. In just a moment; if the gentleman will pardon me, I want to finish this. Neither is it a good thing to make the exercise of executive power, administrative purely in its features, dependent upon the approval of the legislative department of the Government, and I submit that just as soon as you enter upon a course of that kind, and especially in a country like the Philippines, you submit at once an issue of the most serious character between the executive and the legislative departments of the Government. You raise questions where the legislative authority says to the executive administrative authority, "Come to our conception of what laws ought to be passed or we will not confirm the appointment which you make."

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I will ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. You say to the executive power of the government, "You can make no appointments that do not suit us," and you at once curb him; you force upon him consideration not of fitness primarily, but whether or not a person whom he desires to appoint will or will not be acceptable to the legislative department of the government. And so, in my judgment, it is unwise to put this extremely delicate and embarrassing situation and condition in the body of this very fundamental charter of government. Now I will be glad to yield to the gentleman from New York if he desires to submit a question.

Mr. GOULDEN. I beg the gentleman's pardon. I wanted to ask him whether he did not think the language on page 18 would cover the matter of appointments while the legislature was not in session, namely, "but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate," just the same as we do here and as is done in all the States. I understand the gentleman's objection to lie on the ground of the length of time the Senate of the Philippine Islands shall be in session, and that the interim would prevent proper appointments being confirmed. As amended this bill, if enacted into law, does not limit the sessions of the legislature in the Philippines.

Mr. TOWNER. No; I will say to the gentleman that is not all of the objection. My objection goes much deeper than that.

Mr. GOULDEN. That is one of the objections?

Mr. TOWNER. Yes; that is one of the objections; but let me say to the gentleman it is true that ad interim appointments, which are only perhaps for a year or more, will go to the senate in great batches for the consideration of the senate.

Mr. GOULDEN. Just as they do here.

Mr. TOWNER. Oh, I think there are not very many of them, comparatively.

Mr. GOULDEN. Quite a number, I should judge.

Mr. TOWNER. I think it will be impossible to secure from the senate such consideration of the merits of these appointments as I think they ought to have; and I will say further that I think the gentleman is quite right, and if my amendment shall be adopted subsequent language in the section would have to be changed. I would be very glad indeed to have the privilege of offering to change the subsequent language if my amendment is adopted.

Mr. QUEZON. Mr. Chairman, I am earnestly opposed to the amendment offered by the gentleman from Iowa [Mr. TOWNER].

In my general discussion of the pending bill I have already touched upon the question he raises, so that I need now merely call the attention of the committee to two new points.

It seems to me, first of all, that the amendment of the gentleman from Iowa is not in accord with the theory upon which this bill is framed. The bill is supposedly enacted for the purpose of giving the people of the Philippine Islands a sufficient opportunity to demonstrate their capacity for self-government to such an extent as is possible without placing the international relations of the United States in jeopardy. Much as the two sides of this House may disagree with regard to Philippine independence, in principle there has not been much difference on that score in so far as I have been able to perceive from the remarks that have been made during the debate. Such being the case, the amendment of the gentleman from Iowa ought to be voted down, because it is subversive of the very purpose of the bill. By granting the people of the Philippines legislative powers alone you fail to give them all the opportunities whereby their political capacity might be tested. To legislate is doubtless an important, perhaps the most important, function of a government, but the administration of law is also an essential part of the governmental process. Unless the Filipino people be permitted to show what they can do in the administration of their laws, such evidence as they may furnish through their legislative acts regarding their capacity for self-government will be challenged as insufficient. By requiring that the appointments of the Governor General be confirmed by the senate you give the Filipino people an opportunity to show their judgment regarding the proper administration of their laws.

It would be an inconsistent position to give the Filipino people the power to legislate for themselves, thereby assuming that they will legislate for their own interests and in that of their government, while on the other hand denying them the right to confirm executive appointments on the assumption, as suggested by the amendment of the gentleman from Iowa, that they will use that power for selfish or partisan purposes rather than with a view to the exigencies of the public service. If elected senators can not be trusted with the power of confirming appointments made by the Governor General—if they be expected to use that power unpatriotically—an elected Filipino legislature should not be established at all. Legislative powers are greater, more far-reaching, than the power to confirm appointments, and the injury to the community in case of abuse of legislative power is by far greater than the evils arising from an unwise exercise of the power of confirming appointments. If the Philippine Senate be not permitted to say who may not occupy the positions created by the Philippine Legislature, the latter body should have neither the power to create these positions nor to abolish them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman from the Philippines may be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from the Philippines may be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. QUEZON. I wish to thank the gentleman from Iowa [Mr. TOWNER], Mr. Chairman.

Mr. Chairman, the worst feature of the amendment proposed by the gentleman from Iowa is that it will assuredly prevent the harmonious development of the government which you are planning to establish in the Philippine Islands. The Filipinos do not differ from other people. They are the same flesh and bone and spirit, and they will act exactly as other people would act under the same circumstances and for the same reason. The history of the world teaches us that whenever governmental

powers are not voluntarily granted to a people, and whenever such power can be obtained through some other means the people will not fail to take it. If you deny the Filipino people the power to say who may not hold office under the Philippine Government, if they can find some other means under this act whereby they will be able, indirectly at least, to make their voice effective on the matter now at issue they will do so. They may seek to do either of these two things: They may try either to influence the Governor General to appoint officials whose appointment they desire, or, if the Governor General refuse to accede to their wish, they may antagonize and obstruct his administration, openly defying the Governor General by abolishing such positions as are occupied by officials objectionable to them through the withholding of appropriations. Thus you create at once a cause of trouble between the Governor General and the legislature, a condition which would not exist were the amendment of the gentleman from Iowa to be defeated. I do not care to deny that Filipino senators might at times refuse to confirm an appointment. Such a thing has happened in this country, and if report be credited such an instance has recently occurred even here. The result there, however, would ordinarily be just what it has been here—the senate would confirm the appointments of the Governor General, as a matter of course, and the readiness of the senate to confirm these appointments would depend, as it does here, upon the wisdom of the appointments and the personal influence of the Governor General. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MILLER. Mr. Chairman, I have naturally talked with as many people familiar with the Philippine Islands, the government and the people there, and the probable effect of this bill as I could conveniently reach, as, of course, other members of the committee have done. I have yet to find a single man among all those with whom I have talked—and some of them have been hopeful that good would result from this bill—I have not found a single man who did not say that the provision contained in this bill would be absolutely fatal.

The gentleman from the Philippines [Mr. QUEZON] has made a most interesting and valuable talk. I have enjoyed every word that he has said. But, Mr. Chairman, if you will apply his remarks in favor of the amendment, you will find that they have ten times the weight and effect that they have when applied in opposition thereto.

Now, let us just disabuse our minds of one thing, necessary and somewhat difficult for us to do; it is that we should not decide this question by reason of considerations here at home. We have an entirely different situation in the United States.

The President of the United States submits his executive appointments to the confirmation of the United States Senate. But the power back of both the Executive and the Senate is the same. It comes from one people; it comes from one body—the citizenship of the United States. In the Philippines under this bill—and it is the bill we have before us upon which we are to decide—there are two political entities, each deriving its power from a different source. There is the power of the Filipino people, and it is the purpose of this bill to a considerable extent, and certainly the purpose of the Members on this side of the aisle to a large extent, to give to the people of the Philippine Islands the fullest possible opportunity to govern themselves, reserving only the check and the balance which every intelligent mind must know should exist and which the Filipinos themselves know must exist. We have reserved the check only in one way. We have reserved it in the Executive. The power of the Executive and the authority for his action comes not from the people of the Philippine Islands, but from the people of the United States, and if you, by the terms of this act, paralyze his hands, you have stricken down the safeguard that you recognize must be there, because you attempted to put it in the bill.

Now, it seems to me only reasonable for us to consider whether, if the appointees of the Governor General must be confirmed by the Philippine Senate, his hands will be paralyzed. We are not to consider this amendment in the light of conditions that may exist 10 or 20 or 50 years from now, but we should consider it in the light of conditions that are in the islands to-day. The importance of this amendment will be much lessened as the years go by, until I can see that a time shall come when very likely the amendment may not be necessary. I can conceive of a condition as being reached—and I think it will be reached—when the Filipino Senate might be entrusted with the power of confirming the big majority of the appointments of the Governor General. But to give the Filipino Senate to-day the authority to say that no man appointed by the executive to do the executive work in the islands shall

exercise the functions of his office without their approval, by that act you paralyze the executive. There is no other language so adequately describing it.

Now let us just consider it a little bit. There are not a myriad of appointments which the Governor General will have to make, and at first I want that fact distinctly understood. Has my time expired, Mr. Chairman?

The CHAIRMAN. It has.

Mr. MILLER. I would like five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MILLER. The great majority of the employees in the Philippine Islands are under civil service, and I think it can be safely said that the civil service in the islands has been developed and perfected to a point where it is even superior to that in the United States. There will be no confirmation needed in respect to all civil-service employees. Confirmations will be required only respecting the heads of departments and their assistants, practically.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. MILLER. Certainly.

Mr. GOULDEN. About how many appointments of the Governor General will be affected by this amendment, should it be adopted?

Mr. MILLER. I am sorry I can not tell the gentleman.

Mr. GOULDEN. Would it be a score of prominent officials?

Mr. MILLER. Oh, yes; I suppose there would be two or three score.

Mr. GOULDEN. One more question. Has not this measure as it appears in this section received the approval of the present Governor General, in whom we all have implicit confidence and who is highly respected by the people of this country generally?

Mr. MILLER. I do not know whether it has or not; but I will say to the gentleman that that would not enhance its value in my eyes.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. MILLER. Yes.

Mr. FESS. In reference to the number of appointments, it would include all those now made by the commission and also those contained in the act and also those who may hereafter be authorized by law to be appointed. It is an unlimited number—entirely indeterminate.

Mr. MILLER. That is true. There would be a considerable number, but not a myriad, not a great crowd of them, but men absolutely essential to the conduct of the administration of the law in the islands.

Now, suppose the Governor General nominates a man for secretary of the interior, or for attorney general, or for director of public instruction, or director of prisons, or director of police, or director of health and sanitation, or any of these purely executive offices that are so essential to the conduct of the government in the islands, and confirmation is refused. You give here the greatest opportunity in the world for a conflict between the two powers you have in the islands. You invite it; you ask for it. In effect you tell the Filipino Senate that it must confirm these appointments. The Filipino naturally has in mind some trading. Very well, we will confirm the appointments, the Filipinos will say, provided you will permit the passage of such and such legislation. So, therefore, you either absolutely paralyze the executive or you make him subservient to the legislative branch. It is a condition entirely different from that which we have in the United States.

It seems to me that we should avoid that friction—avoid this opportunity for contention. I know the gentleman from the Philippine Islands has suggested that the amendment will lead to friction, but I submit that without the amendment friction is bound to result and with the amendment friction will be avoided.

By the terms of this act you actually hold out to the Filipino mind an inducement to demand reprisals, an inducement to make trades with the executive. So, if it be your purpose and your plan to give to the people of the islands the fullest possible autonomy, only reserving a check, you have failed unless you write this amendment in the bill. I believe sincerely that this amendment is the most important thing to the entire bill under consideration.

Mr. BORLAND. Will the gentleman yield?

Mr. MILLER. I will yield to the gentleman from Missouri.

Mr. BORLAND. Would the gentleman strike out all power of confirmation of appointments by the Governor General?

Mr. MILLER. I would for the present.

Mr. BORLAND. That is the amendment?

Mr. MILLER. That is the amendment.

Mr. BORLAND. Does not the gentleman fear that that would destroy any possible cooperation between the executive officers in the senate?

Mr. MILLER. On the contrary, it would conduce toward it. I can not conceive of the Governor General making any appointments under this act in violation of the wishes of the people of the islands. The legislative branch has always the whip handle and power. It can abolish an office; it can restrict appropriations. We have given to the people of the islands, through their legislature, almost complete and entire authority over their own affairs.

Mr. BORLAND. Will the gentleman yield again?

Mr. MILLER. I will.

Mr. BORLAND. That being true, suppose the Governor General should appoint some of these members of his official family who did not enjoy the confidence of the Filipino Legislature; what would be the inevitable result?

Mr. MILLER. I can conceive that there might be some man appointed by the Governor General who would not be entirely liked by the members of the senate; but he ought to have that power to appoint, and leave it to his judgment and discretion to make good appointments.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. STAFFORD. Mr. Chairman, I regret that I am obliged to take a contrary stand to that of the Philippine Commissioner. I do not think we ought to be swayed too much in our consideration of this question from its adoption in this country. We all know that it was the fear of the founders of our Government that the Executive might become too powerful, and to put some curb on his authority the framers required that certain Executive appointments and others, as Congress might provide, should be submitted to the Senate for confirmation. I am not certain, but I believe there will be confirmation on the other side of the Chamber as to whether there would not have been better appointments made by the President of the United States without the bartering that sometimes was entered into between our Executive and certain Members of another body than if he were free-handed to appoint those whom he saw fit to appoint.

I can recall instances where appointments have been refused confirmation where it was the unanimous opinion of the people that the first appointments were superior to the later ones, but because of petty political spite they were rejected.

What are the conditions confronting us here? The burden of the argument of the Commissioner is that this power should be vested in the senate, so that it may be held over the Governor General as a club to get officers that will be favorable to the Filipino people. That might be all right from the politician's standpoint.

Mr. QUEZON. Oh, I hope the gentleman will not misquote me. I never said that.

Mr. STAFFORD. The gentleman did not make the direct statement, but the effect of the gentleman's argument is that it would avoid friction between the senate and the Governor General. His further argument is that the senators should have some say in the appointments made by the Governor General. For what purpose should they have that say? Read the history of this country and apply it to the Philippines, and we know with only a bare knowledge of conditions in the Philippines that politics are as rife and that political parties as determined for success as they are in this country; we know that they are going to seek patronage from the Governor General.

I believe that it is better for the Philippine Government to have absolute separation between the executive and the legislative branches; that we should vest in the legislature complete authority over legislative matters and give to the Governor General a free hand so that he can not barter with the senators nor the senators barter with him as to veto power that he has to apply to legislation that will be submitted to him. Can there be imagined, as was indicated by the gentleman from Minnesota [Mr. MILLER], that the Governor General, whom the President of the United States appoints, subject to removal by the President at any time, will appoint a man to a subordinate position that will not be in harmony with the existing sentiment of the people of the Philippine Islands or will be giving to the government an execution of the administrative branch that will not be satisfactory to the people of those islands?

Mr. QUEZON. Will the gentleman yield for an answer?

Mr. STAFFORD. Certainly.

Mr. QUEZON. It has been done.

Mr. STAFFORD. Where the administration has not been sufficient or satisfactory?

Mr. QUEZON. No; the Governor General has appointed men not satisfactory to the Filipino people.

Mr. STAFFORD. Oh, they might not have been satisfactory to some faction.

Mr. QUEZON. Oh, everybody.

Mr. STAFFORD. Or to some political party who wished to get the offices. We wish in inaugurating this more liberal policy to have it started so that there will be no such friction between the Governor General and the senate.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER. Mr. Chairman, I feel obliged to oppose the amendment of the gentleman from Iowa. Congress is to retain authority to amend this law at any time; and should there be serious trouble over there concerning appointments, Congress could take notice of it and change this requirement of confirmation by the Philippine Senate. But I agree with the gentleman from the Philippines [Mr. QUEZON]. By this bill we propose to give the Philippine Legislature power to make laws and, in my judgment, we ought not to give the Governor General, a man sent to the islands from this country, the absolute power, without regard to the wishes of the people there, to appoint whomsoever he may please to appoint to execute and interpret the laws. Our people would never consent that a President should have the unqualified right to make all appointments to Federal offices in this country without confirmation by the representatives of the people in the Senate of the United States. To understand the importance of this right of confirmation of appointments we need to refer only to the history of the present session of Congress.

Mr. FESS. Mr. Chairman, I shall vote for this amendment, and I can say why in three minutes. The executive in the Philippines is the only voice the United States has there. He is appointed by the President and confirmed by our Senate, and as such represents the United States authority, and while he is there his function is to enforce the law. The law which he is called upon to enforce is to be made by the legislature over there, which is not beholden to the United States. There are two functions here that are very distinct. One is the policy-determining function and the other is the administrative function. The policy-determining function there, as here, is in the legislative department, while the administrative function there, as here, is in the executive department. The first function expresses itself in lawmaking, the second in law enforcing. In this country it is true that we require the appointments of the President to be confirmed by the Senate, but the President is beholden to the people here, just the same as the Senate and the House are beholden to the people. In this country the authority is in the same place—the people—but in that country it is partly in the people of the islands and partly in the people of the United States, and I do not believe that if we have but one voice in the islands, namely, the voice of the Governor General, that in the exercise of his function of administration of the laws we should tie his hands by the legislature, which is not responsible to the people of this country at all. Therefore it seems to me that if the Governor General, who is our spokesman, charged with the enforcement of the law, is to be the administrative officer, and as such responsible to this country, his hands should not be tied by the legislative department over there, whose function is purely determining what the laws are to be. He must be free to perform his duty unhampered by an outside authority. It seems to me that it is extremely wise that this amendment be adopted to secure this freedom of performance of duty. We certainly can not use the United States history, as the gentleman from Wisconsin [Mr. COOPER] has used it, in confirmation of what we do over there. The situation is entirely different. One is a government in which the people in their entirety are ruling, and the other is a government in which the people of the islands determine the legislature and the laws of the islands and this country determines the executive and the enforcement of the laws. For that reason we ought to keep the hands of the man who represents the voice of this country totally free from any interference over there. I shall vote for the amendment.

Mr. MOORE. Mr. Chairman, before the gentleman takes his seat, I would like to inquire whether this right of confirmation would apply to such appointees as the Governor might have around him in his immediate office, as, for instance, his private secretary.

Mr. QUEZON. Oh, no. I can answer that. That is under the civil service.

Mr. MOORE. The gentleman from Wisconsin indicated that it would apply to those having to do with the administration of the laws.

Mr. FESS. The language of the bill is:

Such officers as may now be appointed by the Governor General, or such as he is authorized by this act to appoint.

Mr. MOORE. Suppose he wanted to appoint a private secretary or a director, with whom he must have confidential relations; would that appointment have to go to the Philippine Legislature?

Mr. BRYAN. If it is a statutory office, it would.

Mr. FESS. If it is an office created under this act, it would, or an office to be created hereafter.

Mr. MOORE. If that is so, it would put the Governor General in this peculiar position, that the appointment of even those who are immediately responsible to him for the execution of his own orders would be subject to confirmation by the senate there. What I would like to know is, whether this provision goes that far.

Mr. QUEZON. The secretary of the Governor General will not be confirmed by the senate. He is a civil-service employee.

Mr. MILLER. Oh, the gentleman is mistaken. The gentleman will recall that the present Governor General, Mr. Harrison, took his secretary with him over there.

Mr. QUEZON. He was the executive secretary.

Mr. MILLER. He was to be his private secretary.

Mr. QUEZON. He did not appoint him as such.

Mr. MILLER. The Governor General also appoints, and would have to have the appointment confirmed by the senate, the assistant executive secretary, who is in confidential relations with the Governor General himself. The executive secretary and the assistant executive secretary have those confidential relations with the Governor General to which the gentleman from Pennsylvania refers, and their appointments would have to be confirmed by the senate.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. The thought I have about this provision is this: If the Philippine Legislature under this section should exercise its power to the limit, it could prevent the Governor General from appointing anybody. It could estop him from taking with him a secretary or a clerk in whom he had confidence, such as it has just been indicated Gov. Gen. Harrison took with him; and if the question ever should arise between the Governor General and the Philippine Legislature as to the appointment of a confidential agent, I presume under this section the Philippine Legislature could always defeat the will of the Governor.

Mr. QUEZON. Will the gentleman permit?

Mr. MOORE. Yes.

Mr. QUEZON. I wish to say to the gentleman that the clerks of the Governor General are appointed under the civil-service laws and they are not appointed by the Governor General.

Mr. TOWNER. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. TOWNER. I would like to ask the gentleman from the Philippines if it is the idea that if a position is in the civil service it would be relieved from the requirement of confirmation by the senate?

Mr. QUEZON. Yes.

Mr. TOWNER. Why does the gentleman have that idea?

Mr. QUEZON. Because the bill says so. It says that appointments made by the Governor General shall be confirmed by the senate; since civil-service employees are not appointed by the Governor General, their appointments do not have to be confirmed by the Senate.

Mr. TOWNER. I still do not understand the gentleman.

Mr. QUEZON. My understanding of the law is that the appointments made by the Governor General, which, according to the present laws in the Philippines, must be confirmed by the commission, should be confirmed by the senate.

Mr. TOWNER. The gentleman means those who now hold the offices.

Mr. QUEZON. Those who under our present laws are appointed without confirmation by the commission will not be subject to the confirmation of the senate.

Mr. TOWNER. The gentleman means those now holding these positions?

Mr. QUEZON. Yes.

Mr. TOWNER. But at any time when a change is made, would not these offices be necessarily subject to this provision of the law?

Mr. QUEZON. I do not believe so.

Mr. FESS. Will the gentleman yield there?

Mr. MOORE. I yield.

Mr. FESS. The gentleman's reference is "unless otherwise herein provided," page 17, line 23.

Mr. TOWNER. Does that exempt the Civil Service Commission?

Mr. FESS. This language says:

He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General.

Mr. QUEZON. The Governor General does not appoint any officer under the civil-service law. He only appoints the judges of the court of first instance, the chiefs and assistant chiefs of bureaus, the prosecuting attorneys, justices of the peace, and treasurers.

Mr. FESS. Could not a future legislature change that?

Mr. QUEZON. I suppose it could.

Mr. TOWNER. Let me suggest that as soon as this act goes into effect every one of the appointees of the governor will have to be appointed by the governor. Now, it makes no difference whether they are in or out of the civil service, they will have, under the terms of this bill, to be confirmed by the senate. This is merely an additional requirement in certain cases that they shall be within the civil service to qualify, but that does not take—

Mr. MOORE. Mr. Chairman, I observe my time is flying, although it has been very profitably employed. I simply wish to add that this section does suggest the possibility of a cabal in the senate which would bring about a deadlock at any time in the appointment of these officers. The law could be amended as indicated by the gentleman from Wisconsin even if we admit this amendment. Any time questions arise as between the governor and the Philippine Legislature and it should appear that we had erred in this instance, Congress could very readily pass an act that would cover it. The section, as it now stands, points to the government being brought to a deadlock whenever there is a difference between the governor and the senate.

Mr. MILLER. Will the gentleman yield for a question?

Mr. MOORE. I do.

Mr. MILLER. Does not the gentleman think the suggestion made by the gentleman from Wisconsin is very greatly lessened in value by reason of the fact that when we once confer upon a people or organization power that it is one of the hardest things on earth, no matter how much it may have been abused, to take away that power.

Mr. MOORE. I think the gentleman is confusing the gentlemen from Wisconsin to whom I referred. I referred to the gentleman from Wisconsin, Mr. Cooper.

Mr. MILLER. So did I.

Mr. MOORE. He indicated this law could be repealed at any time.

Mr. MILLER. I understand; but whenever you grant the power of confirmation to the senate in this act, no matter whether it is ill used, does not the gentleman appreciate how hard it would be to get an authorization of Congress to take away a power once granted?

Mr. MOORE. It would be undoubtedly a very difficult thing to do.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. STAFFORD. Mr. Chairman, there are several minor matters to which I wish to direct attention.

Mr. GARRETT of Tennessee. Then, Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Chairman, substantially every argument which has been made in favor of the amendment offered by the gentleman from Iowa [Mr. TOWNER] has been an indictment of our own system of government. The theory upon which this bill is drawn is to enlarge the power of the government of the Philippine people over their own domestic activities. The only restrictions that have been placed in this bill in order to safeguard it are restrictions that will protect the United States as long as it has sovereignty over the islands against legislation that might affect it in its foreign relations. If gentlemen will analyze the bill carefully, I think they will find that statement to be absolutely true. Wherever there has existed a possibility of the foreign relations of the Government of the United States being embarrassed by legislation in the Philippine Islands, full power

has been retained in this bill to the Government of the United States to prevent that legislation. In some cases we have gone so far as to require affirmative action on the part of the President of the United States before certain legislation that might have such a tendency shall become a law. But as regards their local affairs, legislative and administrative, it is the purpose of the committee to try to give the fullest measure of self-government consistent with sound principles, and upon that theory this bill has been drawn, and upon that theory, assuming that if we are to give to the legislative body the power to legislate, assuming that they have the intelligence requisite to legislate concerning their own local affairs, we have assumed that they would have the intelligence requisite to consider the appointments of the officials who are to administer the laws that they make. And in consonance with that theory and in line with our own constitutional provision, we have provided in here a participation by the Senate of the Philippine Islands in the matter of appointments. I very much hope that gentlemen will understand the theory upon which the bill is drawn, and that the amendment offered by the gentleman from Iowa [Mr. TOWNER] will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of directing the attention of the committee to one or two minor provisions. I notice in the middle of page 18 a provision requiring the Governor General to submit within 10 days of the opening of each regular session of the legislature a budget of receipts and expenditures. Under the practice of our Government, as the gentleman knows, the various department heads are obliged to submit by October 15 of each year their estimate of appropriations and on the opening day of the Congress the Book of Estimates has to be submitted to the Congress. But the committees have tentative drafts of that Book of Estimates beforehand so that they can begin the work of preparing the appropriation bills. I would like to inquire as to the reason for deferring for 10 days the submission of this budget to the legislature. Why should not the Governor General be able to submit it on the very first day, so that the legislature can begin work in the preparation of its appropriation bills?

Mr. GARRETT of Tennessee. Does the gentleman refer to that part where it says that he shall submit it within 10 days?

Mr. STAFFORD. Yes.

Mr. GARRETT of Tennessee. The thought of the committee was that he should submit—

Mr. JONES. It is within the first 10 days of the opening of the legislature.

Mr. STAFFORD. Why not say at the opening of each regular session? The Governor General should be in a position to submit it, and should submit it, and not cause the legislature to wait 10 days before it can begin work on the preparation of its appropriation bills. Will the gentleman have any objection to reducing that to 5 days? Certainly a 10-day limitation seems very long.

Mr. GARRETT of Tennessee. The thought in connection with it is this, Mr. Chairman: This provides for a budget of receipts and expenditures. What we have in this country is merely an estimate, and that is not necessarily the basis by law for appropriations, but, as a matter of practice, perhaps it is in a sense a basis. Now, it is especially provided here, if this is passed, to put in the organic law that this budget shall be the basis for the annual appropriation bills. It might be very proper, I submit to the gentleman, that the Governor General should have some opportunity for consulting the members of the senate and of the house before being compelled to submit this annual budget which it is intended shall be absolutely the basis for appropriations. We hope to make some improvement there over our system in this country.

Mr. STAFFORD. I think there can be some improvement; but does not the gentleman believe that 10 days is quite a long time to hold up the legislature before it can begin work on appropriation bills?

Mr. GARRETT of Tennessee. I do not; especially in view of the amendment that has been adopted, which takes off the 90-day limit and provides for continuous sessions.

Mr. HELM. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. I yield to my friend.

Mr. HELM. As I grasp this proposition, this budget is simply a presentation to the legislature of the receipts and the expenditures for the preceding fiscal year. It is simply to be used as a tentative basis for succeeding appropriations.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. STAFFORD] has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer. I wish to direct another inquiry.

The CHAIRMAN (Mr. MORRISON). The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. I wish to inquire of some member of the committee as to the reason why the word "supreme" is used in the first line of the section. It says "supreme executive." What is the reason for the qualification of the word "executive" in that particular?

Mr. JONES. It means the chief executive, and I certainly think there can be no objection to it.

Mr. STAFFORD. Is there any executive power lodged in any other official by this bill?

Mr. JONES. Yes; there is. The heads of the departments have a great deal of executive power, and there are four great departments of the Government. And the idea is that the highest power, the supreme power, shall be in the Governor General, and I think "supreme" is a very proper word.

Mr. FESS. Mr. Chairman, I move to strike out the last word, in order to ask the gentleman from Tennessee [Mr. GARRETT] a question.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the last word.

Mr. FESS. In lines 18 and 19 we have the Governor General's term of office unlimited.

Mr. GARRETT of Tennessee. On what page?

Mr. FESS. On page 17. The provision is "He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President." I want to ask whether you had considered fully the idea of limiting the Governor General's term, and had decided to make it unlimited?

Mr. GARRETT of Tennessee. I think it is better to make it as it is in the bill, for this reason: Administrations change in this country, and I think it is always desirable to have in the Philippines a Governor General in sympathy with the foreign policies, at least, of the administration existing in this country. It is the present law, of course, as the gentleman knows.

Mr. FESS. Yes; I know.

Mr. GARRETT of Tennessee. And I do not think that under the conditions that exist and the involvements that might occur it would be wise to fix a definite term, so that it would be possible for a Governor General of the Philippines to be out of sympathy with the administration here so long as we retain sovereignty over the islands. Then, of course, if the gentleman will pardon me further, he being familiar with English history and knowing the struggle that England has had at various times in dealing with her colonial governors, the gentleman will realize that if a definite term were fixed for the Governor General of the Philippine Islands, no matter what his sins might be, there would be no way to remove him except by impeachment, unless this power were left with the President to remove him.

Mr. FESS. What I had in mind was that our theory was short terms and quick responsibility, and I also thought probably we would want to avoid the appearance of partisan administrations, and if we had the limit fixed the very thing that the gentleman from Tennessee has said would be advisable would be avoided as an ill-advised thing, in my judgment. It seems to me that the Philippine administration ought not to respond to partisan affiliations over here.

Mr. GARRETT of Tennessee. If the gentleman will pardon me, I did not mean in my statement that it ought to respond to the partisan situation in regard to domestic affairs in this country—

Mr. FESS. Only on foreign matters?

Mr. GARRETT of Tennessee. But I did think that the administration here ought to have the authority given in the bill.

Mr. FESS. I am rather of the opinion that the bill as it is would be better than to fix the term. I just wanted to know if that has been fully considered.

Mr. GARRETT of Tennessee. It has been fully considered, and we had that view of it.

Mr. FESS. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. MILLER. Mr. Chairman, I move to amend, on page 18, line 4, by striking out the remainder of the sentence and inserting in lieu thereof the words "until disapproved by the Philippine Senate," so that it will read as follows:

That appointments made while the senate is not in session shall be effective until disapproved by the Philippine Senate.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The Clerk read as follows:

Page 18, after the word "effective," in line 4, strike out the remainder of the sentence and insert in lieu thereof "until disapproved by the Philippine Senate."

Mr. MILLER. Mr. Chairman, I submit this for the consideration of the committee, and I do not care to discuss it to any great extent.

It seems to me it would give added strength to the situation. If you are going to require that appointments be confirmed by the Senate, it seems to me that the Senate ought to act upon them one way or the other, and the thing ought not to be allowed to drag on indefinitely, as is contemplated by this provision.

Mr. GARRETT of Tennessee. The only effect would be this: That it would prevent the necessity of recommissioning if the Senate should adjourn without approval. Under the practice that prevails in the United States, if what we call a recess appointment is made, if the Senate at the succeeding session does not approve it, of course that commission ends; but the President, of course, can immediately recommission.

Mr. MILLER. That was the exact point I desired to obviate.

Mr. GARRETT of Tennessee. The thought in the use of this language is that it will probably spur the Senate to take action by leaving it as it is here. I do not see that it makes any practical difference at all.

Mr. MILLER. Mr. Chairman, pending the consideration by the committee of that amendment, I would like to make an inquiry respecting another part of the same paragraph, all in my time.

On page 19, in line 4, where the Governor General is given power to suspend the writ of habeas corpus and establish martial law, I find this language:

And he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus or place the islands, or any part thereof, under martial law—

And here is the language I particularly refer to—until communication can be had with the President and his decision therein made known.

Has the President of the United States the authority to suspend the writ of habeas corpus in the Philippine Islands? Has he the authority to declare the islands under martial law? Is this to let him veto the action of the Governor General or to approve it, or is this simply that the Governor General may have a consultation with the President? I would really like to be informed as to the effect of this language.

Mr. GARRETT of Tennessee. The Constitution of the United States gives the President of the United States the power to suspend the writ of habeas corpus. I have not the exact language before me, and I do not know whether I can find it in a moment.

Mr. FESS. It does not say "the President." It says "the writ of habeas corpus shall not be suspended," and so forth. It does not say by whom.

Mr. GARRETT of Tennessee. There may be some statute passed which gives the President that power.

Mr. FESS. President Jefferson did it, and President Lincoln did it, which would be a precedent to the effect that the President can do it.

Mr. GARRETT of Tennessee. The language is this:

The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require.

Mr. FESS. That is it.

Mr. GARRETT of Tennessee. I presume that in those cases in which it has been exercised by Presidents of the United States it has been thought that the public safety required it, and having been acquiesced in it has been conceded that as the supreme executive officer of the Government and as Commander in Chief of the Army the President had that authority.

Mr. FESS. Mr. Chairman, would the gentleman yield there?

The CHAIRMAN. The gentleman's time has expired.

Mr. GARRETT of Tennessee. I will ask for recognition, then, Mr. Chairman. Does the gentleman from Ohio want more time?

Mr. FESS. Yes.

Mr. QUEZON. One question only, Mr. Chairman.

Mr. GARRETT of Tennessee. One moment. I yield to the gentleman from Ohio [Mr. Fess].

Mr. FESS. In confirmation of what the gentleman said a moment ago I will say that President Jefferson suspended the writ of habeas corpus in the case of the arrest of Aaron Burr, in 1807. It was questioned at that time whether he had the authority under the Constitution. Many contended that this function was lodged in the Congress. Then, during the Civil

War President Lincoln suspended the writ of habeas corpus, and it was discussed in extenso. The Attorney General took the position that since the President was charged with the enforcement of the law the writ of habeas corpus was a necessary element in the enforcement of the law. But it has never reached the courts, as I understand, and it has never been in Congress for an affirmative decision.

Mr. GARRETT of Tennessee. Oh, I beg the gentleman's pardon. It has reached the courts.

Mr. FESS. At what time?

Mr. GARRETT of Tennessee. On the proposition there are a large number of decisions.

Mr. FESS. What I want to get at is, who has the authority, Congress or the President? That has not reached the courts, has it?

Mr. GARRETT of Tennessee. I would not undertake to say, except that what has been done has been sustained by the courts, and it having been acquiesced in, I should say it has been conceded. To follow that thought further, it being acquiesced in here that the President of the United States has the power to suspend the writ of habeas corpus over all the territory over which the sovereignty of the United States extends, this proposition contained in the bill is merely a direction as to how it may be done, giving to the Governor General first that power, but reserving in the supreme Executive the authority in this country to override it.

Mr. COOPER. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. COOPER. On page 4 in the bill of rights in this bill it expressly gives that right to either the President or the Governor General.

Mr. GARRETT of Tennessee. That is correct. I had overlooked it, and I thank the gentleman from Wisconsin for calling attention to it. This other provision is simply a detailed proposition in enforcing it.

Mr. COOPER. I will say that this is a most tremendous power to give to these two men, and it ought to be hedged about with every sort of a safeguard.

Mr. JONES. I will say to the gentleman that the object of this provision is to so hedge about the suspension of the writ of habeas corpus that it may not be suspended for a longer period than is necessary to enable the Governor General to communicate with the President of the United States.

Mr. MILLER. On that point may I make a further inquiry? It is true, as the gentleman from Wisconsin says, that the power to suspend the writ of habeas corpus is lodged in the Governor General and the President of the United States. They are coordinate in power and strength. Suppose the Governor General does suspend it and the President of the United States orders him to withdraw the suspension. Does the gentleman think there is any other way for the President of the United States to enforce his will other than to remove the Governor General?

Mr. JONES. That would be a very effective way of enforcing it, and it would be an entirely adequate one, I think.

Mr. MILLER. That leads me to inquire exactly what does that language mean? Is that intended that the President shall override the Governor General?

Mr. JONES. That is the meaning of the language which requires the Governor General to communicate with the President—that is, confer with the President. The Governor General would not suspend the writ except under very grave circumstances, and the bill proposes that when he does so, he shall confer with the President in regard to it. Should the President not approve the action of the Governor General in suspending the writ, that action would be immediately revoked, I take it.

Mr. MILLER. I think that is a splendid position for the bill to take. I think the President of the United States ought to have supervisory power over the Governor General, over those, as the gentleman from Wisconsin says, ulterior powers, but I do not believe it is given in this bill.

Mr. JONES. That is the purpose of this language, and I believe it fully accomplishes it.

Mr. MILLER. Would the gentleman be willing to reserve that particular point in this paragraph so that we may see if it would not be better to redraft this provision?

Mr. JONES. I have no objection to returning to this paragraph to consider this particular matter, but I do not believe there is any real necessity for it.

The CHAIRMAN. The question pending is the amendment of the gentleman from Minnesota.

Mr. MILLER. The amendment I offered was to strike out a part of the language in line 4, page 18, and substitute other language.

Mr. JONES. I thought the gentleman, following the colloquy with me, withdrew that, or stated to the gentleman from Tennessee that he would not offer it.

Mr. MILLER. Oh, no; I think it is a splendid amendment, and I hope it will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, has the Chair submitted the unanimous request made by the chairman of the committee, the gentleman from Virginia, that this section be passed over as to the matter indicated?

The CHAIRMAN. It has not.

Mr. JONES. I thought it had been submitted and agreed to. I ask unanimous consent that this part of the paragraph may be passed over and returned to for the purpose of amendment, if it be thought necessary, of the language employed in lines 3 and 4 and 5, on page 19.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the paragraph in this section be now passed, and be returned to, if necessary, as to the language in lines 3, 4, and 5, page 19. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 22. That, except as provided otherwise in this act, the executive departments of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such, shall cease and determine and the members thereof, except the Governor General and heads of executive departments, shall vacate their offices as members of said commission. The Philippine Legislature may thereafter by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor General, and may provide that heads of executive departments shall have seats in either or both houses of the legislature, with the right of debating or voting or both: *Provided*, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. There shall be established by the Philippine Legislature a bureau, to be known as the bureau of non-Christian tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor General, and shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 20, line 13, after the word "have," insert "executive control." Line 14, before the word "supervision," insert the word "administrative," so that the clause will read: "And shall have executive control and general administrative supervision over the public affairs."

Mr. TOWNER. Mr. Chairman, I of course could make a motion to strike out the entire provision for the Philippine Bureau, but owing to the fact that the matter has been passed on in substance I do not care to take up the time of the committee with it. I think, however, this amendment ought to be adopted, and I ask the committee's attention while I suggest the reason for it. The committee understands that the legislative power which is conferred in this bill over the territory and the non-Christian tribes is really placed within the Philippine Legislature. All legislative power is granted to the Philippine Legislature. It is, of course, intended by this provision, which constitutes a bureau to be known as the "Bureau of non-Christian tribes," that the executive power should be given to this bureau. The words used here are:

And shall have general supervision over the public affairs of the inhabitants—

And so forth.

I hardly think that language is sufficient to clearly indicate that what is intended is administrative and executive power. The provision as it will read if the amendment which I offer prevails is:

And shall have executive control and general administrative supervision over the public affairs of the inhabitants of the territory—

And so forth.

That will make the matter entirely clear. It will leave the legislative power with the legislature and will expressly state that the administrative power is to be exercised by the bureau which is created in this bill.

Mr. HUMPHREY of Washington. Mr. Chairman, on the 4th day of last July I had the very distinguished pleasure of listening to a speech by the President of the United States. Among other things in that speech, he used this language:

There are some gentlemen in Washington, for example, at this very moment who are showing themselves very patriotic in a way which does not attract wide attention, but seems to belong to mere everyday obligations. Those Members of the House and Senate who stay in hot Washington to maintain a quorum of the House and transact the all-

important business of the Nation are doing an act of patriotism. I honor them for it, and I am glad to stay there and stick by them until the work is done.

As I read these lines I think of the notice in the papers this morning that the different members of the Cabinet have their dates fixed now to go through the country to make political speeches, and I wonder how the President of the United States would characterize these gentlemen.

Mr. GARRETT of Tennessee. Mr. Chairman, I hope the gentleman from Washington will not press the talk along that line further at this time. It is not in order.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman withhold his point for just a moment, until I make a statement to him? I think that this question of adjournment—and that is what I am going to talk about—may not be in order, but it is something that everybody wants to hear about, and besides that fact, Mr. Chairman, we are all in a hurry to get through with this bill, and I think that to make a few remarks about adjournment right now would greatly facilitate the passage of the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, withholding the point of order for a moment, the committee in preparing for the consideration of this bill expressly provided that the debate shall be limited to the bill. I have no objection to the gentleman talking about political matters. I have never objected to a political discussion on the floor of the House, and I have never objected to gentlemen extending their remarks upon political subjects in the Record, except when they sought it at an improper time. I do not think the gentleman ought to ask us to permit this to be injected at this time, and I make the point of order—

Mr. HUMPHREY of Washington. Mr. Chairman, before the gentleman does that, does not the gentleman recall that last Friday, without any objection from that side, one of the distinguished Members on that side, the gentleman from West Virginia [Mr. NEELY], was permitted to make a political speech and take up 15 minutes of time, and nobody objected on either side of the House? Does not the gentleman think—

Mr. GARRETT of Tennessee. That was not upon this bill.

Mr. HUMPHREY of Washington. Oh, I think so.

Mr. GARRETT of Tennessee. That was on a conference report and not upon this bill. There has not been a political speech made during the consideration of this bill. The gentleman from West Virginia spoke on a conference report and not on this bill. The gentleman from Washington knows my disposition. I want to be courteous to those in the House, but I hope he will not press this at this time. I make the point of order that the gentleman is not speaking in order.

Mr. HUMPHREY of Washington. And I make the point of order that there is no quorum present.

Mr. GARRETT of Tennessee. I supposed the gentleman would do that.

Mr. HUMPHREY of Washington. Certainly; and I will do it every time there is any objection. If the gentleman thinks he is going to make progress by permitting gentlemen on that side to make political speeches and not on this, he is mistaken.

Mr. GARRETT of Tennessee. I repeat again that there has been no political speech made on this side of the House during the consideration of this bill.

Mr. HUMPHREY of Washington. And I give the gentleman notice that there will be on this side unless they keep a quorum here.

The CHAIRMAN. Both gentlemen are out of order. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-three Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Allen	Burke, Wis.	Fairchild	Gudger
Anderson	Calder	Faison	Guernsey
Ansberry	Callaway	Fitzgerald	Hamill
Anthony	Campbell	Flood, Va.	Hamilton, Mich.
Aswell	Cantor	Fordney	Hamilton, N. Y.
Austin	Carr	Foster	Harris
Barchfeld	Carter	Fowler	Hinebaugh
Bartholdt	Cary	Francis	Houson
Bartlett	Chandler, N. Y.	French	Hoxworth
Bell, Cal.	Church	Gallagher	Hughes, W. Va.
Blackmon	Clancy	Gallivan	Hulings
Bowdle	Connolly, Iowa	George	Johnson, Utah
Britten	Conry	Gerry	Johnson, Wash.
Brockson	Copley	Gittins	John
Brown, N. Y.	Cox	Goldfogle	Keister
Brown, W. Va.	Dale	Gorman	Kelley, Mich.
Browning	Davenport	Graham, Ill.	Kelly, Pa.
Bruckner	Doelling	Graham, Pa.	Kennedy, R. I.
Brumbaugh	Doughton	Greene, Mass.	Kent
Bryan	Eagan	Greene, Vt.	Kinhead, N. J.
Buchanan, Ill.	Elder	Gregg	Kitchin
Burke, Pa.	Estopinal	Griffin	Knowland, J. R.

Konop	Mann	Reed	Talcott, N. Y.
Korbly	Mapes	Kelly, Conn.	Taylor, Ala.
Lafferty	Martin	Roberts, Nev.	Temple
Langley	Merritt	Sabath	Thacher
Lee, Ga.	Metz	Saunders	Townsend
Lee, Pa.	Mondell	Scully	Treadway
L'Engle	Morin	Soldonridge	Tuttle
Lenroot	Moss, W. Va.	Shackleford	Underwood
Leshor	Mott	Sherley	Vare
Lever	Murdock	Shreve	Walker
Levy	Neeley, Kans.	Slemp	Wallin
Lewis, Pa.	Nolan, J. I.	Small	Walsh
Lindbergh	Norton	Smith, Md.	Walters
Lindquist	O'Brien	Smith, Minn.	Watkins
Loft	Oglesby	Smith, N. Y.	Watson
McAndrews	O'Hair	Sparkman	Webb
McClellan	O'Shaunessy	Stanley	Whitacre
McGuire, Okla.	Paige, Mass.	Stedman	Willis
McKenzie	Palmer	Stephens, Cal.	Wilson, N. Y.
MacDonald	Patten, N. Y.	Stevens, Minn.	Winslow
Madden	Peters	Stevens, N. H.	Woodruff
Mahan	Platt	Stringer	Woods
Maher	Porter	Summers	
Manahan	Powers	Switzer	

The committee rose; and the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bill H. R. 18459, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 247 Members answered to their names—a quorum—and he presented the list of absentees to be entered upon the Journal.

The SPEAKER. The committee will resume its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken, and the Chairman announced the yeas seemed to have it.

Upon a division (demanded by Mr. TOWNER), there were—yeas 20, noes 58.

So the amendment was rejected.

Mr. MILLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, after the word "representatives," in line 16, page 20, the following: "The head of said bureau, together with his office and field assistants, shall be appointed by the Governor General without the consent of the Philippine Senate."

Mr. MILLER. Mr. Chairman, habit plays a very large part in our lives. It determines most of the acts we perform from the time we open our eyes at morn until we close them at night. Habit is the greatest aid to humanity and all living organisms. Without it life would not be worth living, but now and then habit seems to play a peculiar prank and sometimes is antagonistic to good. I wish in this connection to call the attention of gentlemen on the other side of the aisle that they should not always let habit prevail. At times the mind should prevail; at times thought should be present; at times conscience should be heard; at times a practical consideration of the bill ought to be had. Now, the amendment just offered from this side by the gentleman from Iowa [Mr. TOWNER] was agreed to by the acting head on the other side of the aisle, the gentleman in charge of the bill, but the habit on that side prevailed and they voted it down. [Laughter.] Now, I do not know as we can accomplish any good by offering these wholesome amendments, which we do if habit is to continue. But I think, Mr. Chairman, that a good purpose should not be easily thwarted, and while I am a little bit discouraged, a confession I make with reluctance, still I have some determination remaining and I shall persevere for a little time longer. Now, Mr. Chairman, if the gentlemen on the other side of the aisle will kindly forsake habit and return to a conscious existence for a moment, I shall therefore and thereupon direct their attention to the amendment which I have proposed. I am not going to open up the discussion of the wild or non-Christian tribes again to-day, although I think it would be profitable.

I think it highly desirable as a matter of giving an opportunity for various views to be expressed, but I do want to say one or two things in this connection. I do not believe the majority members of the committee have been very happy in the solution they have arrived at respecting the non-Christian people, and we are going to reap the result of the lack of wisdom herein manifested quicker than in any other respect in the bill. At the same time I wish it to be stated that I appreciate the extreme difficulty confronting the membership of the committee in framing the bill in respect to this item, and it would not be surprising if some mistakes were made. I do believe we ought to have a full and free discussion of the government of the non-Christian people and see if we can not possibly reach a solution that will be more nearly right than any that has yet been proposed. In this connection I desire to call attention, Mr. Chairman, to the fact that habit is again running rampant

on that side and private conversation has drowned out my stenographic voice.

The CHAIRMAN. The committee will be in order.

Mr. MILLER. Mr. Chairman, the gentleman from Virginia [Mr. JONES] in his opening statement to the House felicitated the Government in the Philippines and the people of the United States upon the auspicious fact that the Moro Province had been pacified and civil government therein established without the aid of soldiers. That is perhaps not quite a correct statement to make of his position, as he hardly said it had been pacified without the aid of soldiers, but he conveyed the impression that the beneficial change which has recently occurred and that the pacification which now exists is there without the aid of soldiers. Now, I do think that his statement ought not to go unanswered. Why, the Moro country is full of soldiers. I myself went through the Moro country always with soldiers. When we crossed the little Island of Jolo—went nearly across it—we arrived there only two days after a battle, and there were 150 soldiers ahead and about 100 behind all the way over and back.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER. May I have five minutes more?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Will the gentleman permit a question?

Mr. MILLER. Certainly.

Mr. JONES. I understand that it was some time last year when the gentleman was in the Philippines?

Mr. MILLER. It was in the latter part of October.

Mr. JONES. That was before a civilian was made—

Mr. MILLER. The change was being made while I was there.

Mr. JONES. The gentleman does not mean to deny, I suppose, that a great many of the soldiers have been withdrawn from that Province since that time, and that there are not near so many, if any, there now as there were when he was in the islands?

Mr. MILLER. That leads to the statement I was just prepared to make. If the gentleman had stated that the troops of the United States—that is, the Caucasian troops of the United States—had been withdrawn from the Moro country, he would have stated it exactly right. They were withdrawn while I was there, but in their place were substituted other troops. There was sent a larger force of constabulary and several battalions of scouts, officered, of course, by Americans; so that while the Caucasian troops had been withdrawn from the Moro country, yet, as a matter of fact, there are just about as many troops there now as there ever have been, but they are native troops officered largely by Americans.

Mr. JONES. Mr. Chairman, the gentleman will admit that the constabulary are not United States troops? They are controlled by the civil government and paid by the Filipino people.

Mr. MILLER. I did not for a moment state that they were United States troops. I made the distinction very clear.

Mr. JONES. There was no other inference that could be drawn from the gentleman's words.

Mr. MILLER. I think if the gentleman will read my statement he will see that he misunderstood me.

Now, I can not help calling attention to the fact that by the arrangement of this bill, to my mind, we are going to repeat in the Philippine Islands the mistakes we have made in America in years past in dealing with the Indian tribes, only we are going to multiply those mistakes ten, or twenty, or even a hundredfold. We ought to have learned something from the experience that we have had. It is a sad enough chapter in our history. It is only within the past generation, in fact, that we have come to look upon the Indian question in the United States in what may be termed a sane and sensible light. We have altogether too far permitted in this country the whites who were in the vicinity of the places occupied by the Indians to prey upon them in one way or another. Now, you have a vastly more severe situation in the Philippines. There never was at any time within the confines of the United States more than 300,000 Indians. You have four times that number of non-Christian wild people in the Philippine Islands to-day, in a territory that comprises 120,000 square miles, smaller than some of the States of the Union. And the bill as framed will inevitably result in perpetuating in the islands conditions for which we blush in our own country.

Now, returning to the amendment which I offer, I do not care to discuss it at large. I understand there is a disposition on the other side of the aisle to vote down anything and everything that we propose along this line, whether it is meritorious or not. But I wish to say that this amendment provides that

the Governor General may appoint, without the consent of the Philippine Senate, such officials as he will desire to have charged with the responsibility of administering the affairs of the non-Christian people under this bureau.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I think the gentleman was very unjust to this side when he said there was a disposition to vote down everything proposed by the other side.

Mr. MILLER. I had reference to the confirmation feature.

Mr. JONES. I think the gentleman knows that this side has voted for a number of amendments proposed by his side, and I am perfectly free to say that I think some of those amendments improve the bill. It is true, Mr. Chairman, that there had been some informal agreement, such as the gentleman suggests, about an amendment which was defeated a few moments ago, but I think that side, and especially one gentleman from that side, my friend from the State of Washington [Mr. HUMPHREY], was responsible for that. He brought into this House, by raising the question of a quorum, one or two hundred Members who had not heard any part of this discussion and who knew nothing about the subject under discussion. It was not discussed after they came in, and therefore they had no knowledge of what was taking place.

Mr. MILLER. Does the gentleman wish to imply that the membership on his side usually votes without knowing anything about a proposition?

Mr. JONES. I will say to the gentleman that he knows perfectly well that is not true, and he also knows that a great many of the gentlemen who were brought in were members of the minority. They voted for the amendment because they saw the gentleman from Minnesota [Mr. MILLER] and the gentleman from Iowa [Mr. TOWNER] standing up, and without knowing anything about the proposition. Possibly members of the majority who had just entered the Chamber voted the other way for the same reason.

Mr. MILLER. I assumed, therefore, when the gentlemen on the other side of the aisle saw the gentleman from Virginia voting for the amendment they would follow their leader, but they did not even look.

Mr. JONES. Mr. Chairman, I now wish to direct my remarks for a moment to the merits of the amendment which the gentleman has offered. I do not agree with his conclusions. I think that this bureau, like all other bureaus in the Philippines, ought to be under the general supervision of the Governor General, and I can see no reason why its chief should be exempt from confirmation by the senate any more than the head of any other bureau.

Mr. MILLER. We have had some little badinage back and forth, but really and seriously, now, does the gentleman not think it would be very advisable to let the Governor General be charged, without restriction by the Philippine Senate, with the duties of administering the affairs of the non-Christian people?

Mr. JONES. Mr. Chairman, the gentleman was not listening a moment ago, when I said I did not think it would be wise to accept his amendment. I do not believe that there is any good reason, as I have just said, why the head of this bureau should be exempt from confirmation by the senate any more than the head of any other bureau. I have heard a great many statements coming from the other side of the Chamber to the effect that there was a great deal of feeling between the Filipinos and the Moros, and that the Moros would not be fairly treated by the Filipinos. I am perfectly familiar, and have been for a long time, with the evidence which gentlemen have brought forward in support of that proposition. I am familiar with the views of the gentleman from Minnesota on the subject. He delivered a long speech upon this subject soon after he returned from the Philippine Islands, and he then delivered personally to the Congress of the United States a message, if I am not mistaken, which he said a datto, with tears in his eyes, had requested him to deliver.

Mr. MILLER. The gentleman's recollection of that is a little bit confused. That message was not from a Moro, but from a Bukidnon.

Mr. JONES. Mr. Chairman, I think, notwithstanding what has been said upon this subject by gentlemen on the other side, that since all Filipinos are of Malay origin, and there is a kinship between them all, we can certainly intrust to the Christianized, civilized Filipinos the government of the wild, savage, un-Christian, and uncivilized people of the islands more safely than we can intrust it to any American.

Mr. MILLER. Will the gentleman yield for a question?

Mr. JONES. I do not know who the Governor General will appoint as the head of this bureau if opportunity is given to him—whether he will appoint an American or a Filipino. He

can appoint either an American or a Filipino, but whoever he shall appoint, his appointment should be subject to the confirmation of the Philippine Senate.

Mr. MILLER. Will the gentleman yield right there?

Mr. JONES. I will.

Mr. MILLER. Seriously, my amendment is in harmony with the provisions which I thought the gentleman from Virginia desired to have contained in the bill, inasmuch as in the provision relating to the senators and representatives appointed by the Governor General to represent these non-Christian people he specifically excepts those appointees from the necessity of confirmation by the Philippine Senate.

Now, in harmony with that, would the gentleman not say that the head or superintendent, or whatever you may wish to call the man in charge of this bureau, and his assistants, should also be appointed without confirmation by the senate?

Mr. JONES. I think, Mr. Chairman, we went as far as we ought to go when we permitted the Governor General to appoint these senators and representatives without confirmation.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The question was taken, and the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 16, after the word "representatives," insert the following: "Provided, That the legislative sessions of the Philippine Legislature shall be limited to 120 days in each year."

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that that proposition has been passed upon fully in a previous section.

The CHAIRMAN. Does the gentleman from Washington wish to discuss the point of order?

Mr. HUMPHREY of Washington. Yes. My understanding is that the gentleman is mistaken as to the facts.

Mr. GARRETT of Tennessee. No. If the gentleman from Washington had been here, he would know that that is not so.

Mr. HUMPHREY of Washington. Gentlemen who have been here make a contrary statement about it.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Minnesota?

Mr. HUMPHREY of Washington. Yes.

Mr. MILLER. The provision we have passed limits each annual regular session to 90 days. The Governor General, however, is authorized thereafter to call as many extra sessions per year as he wants to.

Mr. GARRETT of Tennessee. My friend from Minnesota [Mr. MILLER] was here, and he ought to know that he is not justified in making that statement. We made the sessions unlimited, and—

Mr. JONES. We did that at the suggestion of the gentleman from Wisconsin [Mr. STAFFORD], so that it certainly has been passed upon.

Mr. MILLER. My attention must certainly have been diverted at the time by something else, if that is so. But, with all due deference to the gentleman from Wisconsin [Mr. STAFFORD], I think the committee ought not to have accepted that amendment.

Mr. MOORE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. I make the point of order, Mr. Chairman, that these gentlemen are all proceeding out of order. Not one of them has addressed the Chair in the usual way.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order, first, that that subject matter has already been passed upon; and, second, that it is not germane to this section.

Mr. HUMPHREY of Washington. If the Chair will hear me a moment, I think it is germane to this section. I have not been here all the time so as to know whether it has been offered heretofore or not, but if there is a dispute as to the fact I do not think the amendment ought to be considered as out of order.

Mr. JONES. There is no dispute as to the fact.

Mr. GARRETT of Tennessee. The gentleman from Washington, I know, will not dispute the word of the gentleman from Wisconsin [Mr. STAFFORD]. If the gentleman from Washington will not stay here, then all he has to do is to read the Record in order to keep himself informed.

Mr. HUMPHREY of Washington. I do not profess to read all the Record. I ask unanimous consent, Mr. Chairman, that I be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GARRETT of Tennessee. In order or on some other subject?

Mr. HUMPHREY of Washington. On some other subject.

Mr. GARRETT of Tennessee. Then I object.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-two Members are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Allen	Flood	Lafferty	Powers
Anderson	Fordney	Langham	Prouty
Ansberry	Foster	Langley	Reed
Anthony	Fowler	Lee, Ga.	Reilly, Conn.
Aswell	Francis	Lee, Pa.	Roberts, Mass.
Austin	Frear	L'Engle	Roberts, Nev.
Bartholdt	French	Lenroot	Rothermel
Bathrick	Gallagher	Leshner	Rouse
Bell, Cal.	Gallivan	Lever	Sabath
Blackmon	George	Levy	Scully
Bowdle	Gerry	Lewis, Pa.	Seldomridge
Britten	Gittins	Lindbergh	Sells
Brockson	Glass	Lindquist	Sherley
Broussard	Godwin, N. C.	Loft	Shreve
Brown, N. Y.	Goldfogle	McAndrews	Slomp
Brown, W. Va.	Gorman	McClellan	Small
Browning	Graham, Ill.	McGuire, Okla.	Smith, Md.
Bruckner	Graham, Pa.	McKenzie	Smith, Minn.
Buchanan, Ill.	Gregg	MacDonald	Smith, N. Y.
Burke, Pa.	Griffin	Madden	Sparkman
Burke, Wis.	Gudger	Mahan	Stanley
Byrnes, S. C.	Guernsey	Maher	Stephens, Cal.
Calder	Hamill	Manahan	Stevens, Minn.
Callaway	Hamilton, Mich.	Mann	Stevens, N. H.
Campbell	Hardwick	Mapes	Stout
Cantor	Harris	Martin	Stringer
Cantrill	Harrison	Merritt	Summers
Carlin	Hawley	Metz	Switzer
Carr	Hayes	Mondell	Taylor, Ala.
Cary	Helvering	Morin	Temple
Chandler, N. Y.	Hill	Moss, W. Va.	Ten Eyck
Church	Hinebaugh	Mott	Thacher
Clancy	Holson	Mulkey	Treadway
Collier	Holland	Murdock	Tuttle
Connelly, Kans.	Howard	Neeley, Kans.	Walker
Connelly, Iowa	Hoxworth	Neely, W. Va.	Wallin
Conry	Hughes, W. Va.	Nolan, J. I.	Walsh
Copley	Hullings	Norton	Walters
Dale	Johnson, Utah	O'Brien	Watkins
Davenport	Kelster	Oglesby	Watson
Dooling	Kelley, Mich.	O'Hair	Weaver
Doughton	Kelly, Pa.	O'Shaunessy	Webb
Eagan	Kennedy, R. I.	Paige, Mass.	Whitacre
Edwards	Kent	Palmer	Willis
Elder	Kinkaid, Nebr.	Patton, N. Y.	Wilson, N. Y.
Estopinal	Kinkaid, N. J.	Patton, Pa.	Winslow
Fairchild	Kitchin	Peters	Woodruff
Falson	Knowland, J. R.	Peterson	Woods
Ferris	Koosop	Platt	
Fitzgerald	Korbly	Porter	

The committee rose; and the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 18459, the Philippine Island bill, finding itself without a quorum, had caused the roll to be called, and 229 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

The CHAIRMAN. The question pending was the point of order made by the gentleman from Tennessee to the amendment offered by the gentleman from Washington. The Chair sustains the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 20. Line 16, after the word "representatives," insert "provided the Philippine Legislature shall not pass any law permitting the legislature to remain in session during a period of 30 days next preceding a general election in the Philippine Islands."

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that that is not germane to this paragraph. A prior section of the bill fixes the right of the legislature to determine when it may meet, and a prior section of the bill also gives the full right of the legislature to determine when it shall adjourn. The amendment is not offered to the right place in the bill.

Mr. HUMPHREY of Washington. This amendment of mine does not provide when the legislature shall adjourn. It only says when it shall not be in session. It provides that the Philippine Legislature shall not pass a law permitting them to be in session 30 days preceding a general election. I think it is clearly in order.

Mr. GARRETT of Tennessee. Mr. Chairman, this section relates entirely to the executive department of the government.

The legislative part has already been passed. This amendment is not germane to this section of the bill.

Mr. HUMPHREY of Washington. The gentleman is mistaken about it, because this section provides in the first sentences that except provided otherwise in this act, the executive departments of the Philippine Government shall not continue as now authorized by law until otherwise provided by the Philippine Legislature, and then as to when the Philippine Legislature shall convene and organize. My amendment is to restrict the authority of the legislature to pass a law permitting the legislature to sit 30 days before general election.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that this amendment is not germane to this section, and therefore sustains the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 20, line 5, after the word "both," insert the following: "Provided, That no leave of absence shall be granted such heads of executive departments to enable them to deliver political addresses during the session of the legislature."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to be heard on that amendment. Mr. Chairman, a while ago I quoted what our distinguished President said about gentlemen remaining here performing their duties. He stated that they were patriotic, and I had just gotten to the point in my speech where I propounded the inquiry that it might be interesting to the country to know what the President thought about members of the Cabinet who are going to leave their duties and go forth to make political speeches. Some of them have already left. I wondered whether that was a patriotic performance. I have wondered what the President might think of the performance of some Members of this House. For instance, there was my distinguished friend from Texas [Mr. HENRY].

Mr. KAHN. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. KAHN. Can the gentleman inform the House whether the Cabinet members are being docked for every day that they are absent?

Mr. HUMPHREY of Washington. I think it is perfectly safe to say that they are not. My distinguished friend from Texas [Mr. HENRY] was gone about three months, and I was wondering whether he was unpatriotic when he was in Texas and only patriotic when he was in the House. Then there is another distinguished gentleman [Mr. PALMER] who seems to be favored by the President, who was instrumental a few days ago, or perhaps some weeks ago, in conveying to the Judiciary Committee the fact that the President had kicked another plank out of the rotten Baltimore platform, the one in relation to only one term for President. That distinguished gentleman sometimes appears on the floor of this House.

Mr. MOORE. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MOORE. The gentleman refers to the Democratic platform. Does the gentleman know that that document has not been incorporated in the Democratic Handbook which is now being circulated for Democratic orators?

Mr. HUMPHREY of Washington. No; that is like the section in reference to the high cost of living.

Mr. MOORE. Gone out.

Mr. HUMPHREY of Washington. Gone out. There were 15 pages in the Democratic campaign textbook two years ago about the high cost of living, but not a single word in it this time, and I wonder why. I supposed our Democratic friends would be anxious to show in the textbook how they had reduced the high cost of living, but I suppose they took it for granted because they did not say anything about it.

Mr. MOORE. Does not the gentleman know that that is all on account of the European war?

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that the gentleman from Washington is not addressing himself to the amendment or the subject matter of the bill.

Mr. HUMPHREY of Washington. Mr. Chairman, I think the gentleman from Tennessee is correct, and I will proceed in order.

Mr. MOORE. I withdraw my question about the European war, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Washington has expired. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. FESS. Mr. Chairman, I move to strike out the last word, to call attention to the language in lines 17 to 22, on page 19:

When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such, shall cease and determine and the members thereof, except the Governor General and heads of executive departments, shall vacate their offices as members of said commission.

I would like to call the attention of both sides of the Chamber to the result of this paragraph if it goes into effect. When we take the paragraph in connection with the preceding paragraph relative to the elective senate, we will notice it is the passing of the Philippine Commission, and probably it ought to pass. I rather think I would be in favor of an elective senate, which would necessitate a doing away with the commission, but since this is the paragraph in which the passing of the commission is noted, I just take the time to emphasize what I think has been a remarkable success by the commission form of government. I believe that when that first commission was appointed, at the head of which was President Schurman, of Cornell University, having associated with him some of the strong men of our country, that there never was a group of men sitting outside of the territorial limits of our country more devoted to the solution of a great problem than that commission, and I think what they did was really a remarkable achievement, and then when that commission gave way to the second commission, which gave a little more authority to the Filipino, a little more liberality, I think that the second commission did a work that we ought not to ignore, and I do not think anybody on either side of the Chamber desires to ignore it—a commission headed by a man who afterwards was President of the Nation, probably the best-fitted man in the country to take that position. It seems to me that the commission form of government that has had such a wide latitude in the last few years, applicable to the cities of our country, especially as witnessed in the Capital City, is a form that has not only been worked out in our own country but has shown remarkable fruits in that far-away country in the southern seas, and as we are now passing it over, and it is to become a mere matter of memory in history, I do not simply to say that I think the work of the commission in the Philippine Islands is such that this Nation ought to be proud of it. I want to say what I said the other day, that I do not believe there is another single instance in the history of all the world where there has been such remarkable work done for a far-away people by a great Republic, and done in such a disinterested manner, as was done in this instance. Whether the movement that you are considering is justifiable or not, it is of the present, and whatever shall be the future, I think that the past in regard to our action with the Filipino is something that we ought to be proud of, and I want to leave that word here as we pass this paragraph. [Applause.]

Mr. JONES. Mr. Chairman, I wish to say just a word in connection with what the gentleman from Ohio [Mr. Fess] has said. I can not assent to a great deal that he has said in respect to the Philippine Commission—indeed, I am obliged to dissent very earnestly from a great deal of it—but I do wish to indorse what he said in regard to Prof. Schurman, and I wish also to call the attention of the House to the fact that Prof. Schurman has gone on record in the most emphatic manner as to the capacity of the Filipino people for self-government. He has declared, as a result of his long acquaintance with the Filipinos during the time he was president of the commission, that they are fully capable of exercising the powers of self-government.

Mr. MILLER. Mr. Chairman, will the gentleman kindly inform the House how many years ago it was that President Schurman made that statement?

Mr. JONES. I will very gladly do so. It was years ago.

Mr. MILLER. Thirteen years ago?

Mr. JONES. Yes; probably so.

Mr. MILLER. If they were then fitted for self-government, why not give it to them now; why not give them independence at this time?

Mr. JONES. That was 13 years ago; and if, according to President Schurman, they were fit for self-government at that time, they certainly must be now, having had the valuable assistance which the gentleman from Ohio thinks was given them for so many years by the Philippine Commission.

Mr. MOORE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. MOORE. I understand there is no amendment pending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. FESS. Mr. Chairman, I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Page 20, line 16, after the word "representatives," insert: "Provided, That heads of executive departments shall devote their entire time to their official duties during the terms for which they shall have been appointed."

Mr. MOORE. Mr. Chairman, we are told throughout this debate that we are taking the hand of our weaker brother in the Philippines and are endeavoring to put him on his feet. If we have any weaknesses in our Government, perhaps it is well if we should point them out to him, since we are undertaking to give him a form of government very much like our own. We ought to start out right, and if we have made any mistakes we ought to give our Philippines brother the advantage of our experience so that he may not stumble into the same pitfalls. A constant source of complaint in this country, if the newspaper reports are to be taken into consideration at all, arises from the fact that certain public officials do not devote their entire time to the offices to which they have been elected or appointed, and that they are in the habit, some of them, of leaving their official duties for the purpose of increasing their revenues. With a people not so strong as we are, who are going to establish a government for themselves under our tuition and direction, it would seem proper that we should say to them, "When you accept a public office, you ought to perform the duties of that office; and when you accept a great position under your Government, like unto that of a Member of Congress, or if you become a cabinet officer, along with your Governor General, or whoever in the course of time shall come to direct your affairs, then, rather than go out upon the stump delivering political lectures or going out into some Philippine Chautauqua for the purpose of making, say, \$250 per night, you should devote your entire time to the duties for which you were elected and for which the people make payment to you. This," we should say to them, "is your bounden duty not only in morals but under the oath of office which you take. We set this example before you and say to you, 'thus far shall you go and no farther.' We want you to learn that pure, old, simple Democratic doctrine of living within your income, and not living at so extravagant a rate that you can not subsist upon your salary, even though it be \$12,000 per annum."

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. HUMPHREY of Washington. Does the gentleman expect a Democrat to live on \$12,000?

Mr. MOORE. Not when he is in power. When a Democrat is out of power I expect him to live on most anything and charge up almost everything in the way of extravagance to the Republican Party. When a Democrat is in power I expect to see him roll along in automobiles or gilded chariots. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Virginia [Mr. JONES] or the gentleman from Tennessee [Mr. GARRETT] how many executive departments there will be if this bill becomes the law?

Mr. JONES. Four; just the number they have now.

Mr. COOPER. Mr. Chairman, I notice in lines 3, 4, and 5, page 20, that the heads of the executive departments are to have seats in either or both houses of the legislature, and with the right of debate or voting, or both. The President is to appoint or remove the heads of the executive departments.

Mr. JONES. No; not under this bill. Under this bill they are appointed by the Governor General.

Mr. COOPER. What did I say? I meant the Governor General. It is provided at the top of the same page that the Governor General is to appoint and remove the heads of executive departments. There is also on page 12 a provision that for the territory not now represented in the Philippine Assembly the Governor General shall appoint one senator and nine representatives.

Now, if there are only 12 members of the senate, and if the senator appointed by the Governor General to represent this territory is to have a vote and each of the 4 heads of the executive departments is to have a vote, then the Governor General would have 5 votes, practically—that is, his 5 appointees would—in an assembly of only 17. That is one-third of the vote.

Mr. JONES. I will say to the gentleman that the bill provides for 12 senatorial districts with 2 senators from each district. That will make 24 senators.

Mr. COOPER. Then his appointees would have but five of the votes in the senate.

Mr. JONES. Only two of his appointees under the provisions of this bill would have a vote in the senate. One of those appointees would probably come from the southern part of the archipelago and the other from the northern part, where the mountain tribes reside. This bill simply gives the power to the legislature to permit these heads of departments to vote, so that if they were permitted to vote by the legislature that would be 6 out of 24, which is one-fourth of the total number.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Moore].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 24. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the court of first instance shall be appointed by the Governor General, by and with the advice and consent of the Philippine Senate: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 13, after the word "Congress," insert: "That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination."

Mr. TOWNER. Mr. Chairman, there is no provision in the act that in cases pending where change is made between the present form of government and the new form, if this bill shall become the law, that the cases then pending shall continue until final judgment and determination, and jurisdiction shall be granted for that purpose. It is not necessary for me to argue in favor of that, I presume.

Mr. JONES. Mr. Chairman, I think there will be no objection on this side.

The question was taken, and the amendment was agreed to.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Virginia if the jurisdiction of the courts of first instance in the islands, as provided in lines 25 and 26, on page 20, and lines 1 and 2, page 21, can be changed by any law of the Philippine Legislature?

Mr. JONES. Yes; the power is given to the legislature under this bill to change—

Mr. COOPER. Does the gentleman think that such a power as that should now be conferred on this practically new legislature to change the jurisdiction of the supreme court of the islands?

Mr. JONES. Not the supreme court. I thought the gentleman said the courts of first instance. The legislature now has that power. I will say to the gentleman.

Mr. COOPER. To change the jurisdiction of the supreme court of the islands?

Mr. JONES. Yes; the supreme court and courts of first instance. I correct myself. It has it of both courts.

Mr. COOPER. And we have had there all the time, of course, the commission, all three of which until recently have consisted of Americans, and it occurs to me—

Mr. JONES. The gentleman knows, however, there is no law that ever required that the three should belong to any particular race.

Mr. COOPER. That is true. The language in line 2, page 21, is that the jurisdiction shall be as heretofore provided, "and such additional jurisdiction as shall hereafter be prescribed by law."

Mr. JONES. Yes.

Mr. COOPER. Then you provide in the proviso, line 12, same section, on page 21, that the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress?

Mr. JONES. Yes.

Mr. COOPER. So they can change all other jurisdiction, civil and criminal, except the admiralty jurisdiction?

Mr. JONES. Yes. And it is obvious, I know, to the gentleman why we did not change the admiralty jurisdiction.

Mr. COOPER. Yes.

Mr. MILLER. Mr. Chairman, I move to strike out the last two words. The gentleman from Virginia, chairman of the Committee on Insular Affairs, in his opening remarks observed that the legislature in the Philippine Islands during the past year had not reduced the salaries of any of the judges in the islands. I know he does not want a misstatement to appear on the record, and therefore I take this opportunity to submit an observation. It may not have come to the attention of the gentleman, but nevertheless it is a fact that the legislature last winter removed from office every judge of first instance in the islands. Now, I hope the membership of the committee will grasp that in its entirety. The legislature by an enactment absolutely abolished every judge of first instance in the islands; that is, vacated the offices and increased the number, which was a very proper thing to do, because the number had come to be insufficient. It opened them all up to reappointment by the Governor General, and the Governor General did appoint judges to all of these positions, and they reduced the salaries of the judges of the courts of first instance, which are the trial courts of the islands. We would call them nisi prius courts.

Now, I do not wish it to be understood by the remark which I have made that any serious havoc resulted. I have said some things in criticism of the present Governor General. I want to say something in his praise. The present Governor General reappointed every old judge in the islands except one, and, as I understand it, that one judge did not desire to be reappointed; I think he resigned a little bit before. So that in administering the new law passed by the Philippine Legislature the Governor General exercised excellent discretion, excellent conservatism, excellent judgment, with the entire approbation and approval of the Philippine people.

But I do think this ought to be said, Mr. Chairman. I do not believe that judges of the courts of the first instance there were being paid a salary a bit too high. I said to myself while I was there, as many another man has said, that some of the officials connected with the Government of the Philippines were being paid a salary a little too high. But the salary of the judges of the courts of first instance was a very, very moderate salary, and the amount of the reduction, it seems to me, was unfortunate, although it was not very severe. I make this statement because if it should come to the attention of any of the people there interested, they will know that some of us at least do not believe in reducing materially the salary of the judges.

Mr. JONES. Mr. Chairman, the statement which I made, as the gentleman will recall, was based on a cablegram which was sent by Gov. Gen. Harrison to the Secretary of War, in which he stated that the expenditures of the government had been reduced to the extent of \$1,000,000, and that that had been accomplished without reducing the salary of any of the judicial officers.

Mr. MILLER. That was prior to the enactment of that law. Mr. JONES. I do not recall at this moment whether that cablegram was prior to the 1st day of July or subsequent thereto. If it was prior to the 1st day of July, of course there would be no conflict between the statement of the Governor General and that made by the gentleman from Minnesota. The courts were reorganized under an act of the legislature which was carried into effect on the 1st day of July, and it may be that since the 1st day of July, as the gentleman states, some of the salaries of the judges have been reduced.

Mr. MILLER. If the gentleman will permit me—

Mr. JONES. I do not know as to that, and I am perfectly willing to accept the gentleman's statement if he says he knows they have been. He says there have been moderate reductions, and I simply want to say that I am quite sure that if these reductions were made, as the gentleman says they have been—and his statement I do not question—they were proper reductions and have not at all interfered with the efficiency of the courts. The Governor General of the islands has been greatly complimented upon his action taken in pursuance to the law providing for the reorganization of the courts. An opportunity was given him to play politics, so to speak, if he had desired to do so. He, however, reappointed all of the old judges, I believe, and most of the seven new appointments were deserved promotions, I think. It is generally admitted that they were the best that could have been made under the circumstances. I never heard of the slightest criticism of the Governor General on account of anyone of his judicial appointments. On the contrary, his course has been universally commended.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 25. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in

all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

Mr. MILLER. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by inserting after the word "involved," line 20, page 21, the following: "or any causes in which the value in controversy exceeds \$25,000 or in which the title or possession of real estate exceeding in value the sum of \$25,000, to be ascertained by the oath of either party or by other competent witnesses, is involved or brought in question."

Mr. MILLER. Mr. Chairman, may I inquire whether there is any disposition on the part of the chairman of the committee to accept this amendment?

Mr. GARRETT of Tennessee. Is that the present law?

Mr. MILLER. That is exactly the present law. I copied it exactly from the organic act.

Mr. COOPER. May we have it reported again?

Mr. MILLER. Mr. Chairman, some of the Members did not quite hear all of the amendment. May we have it reported once more?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. MILLER. If the chairman of the committee will indicate whether or not he feels inclined to accept that amendment, it will enable us to expedite the consideration of it. At any rate, I would like to be heard in support of the amendment. I sincerely trust it will be the wisdom of the committee to accept it, and it is offered with the utmost seriousness for the benefit of the people of the Philippine Islands. It is of no benefit to the United States, nor is there any benefit to any official of the United States.

But there is a decided benefit in it to the people of the Philippine Islands, and we may as well know why. Whether it ought to or not is not the question. As a matter of fact, in the Philippine Islands there is a great shortage of money with which to do business. I suppose economically the greatest handicap of all is the lack of money. They are absolutely dependent, just as we were in this country at one time—largely dependent—upon foreign countries for loans. Now, it is unquestioned to the Filipino people themselves that if their industries are to be developed and their resources utilized they must borrow money from abroad. It may not be that they will borrow money from the United States. Maybe they will. If they do not borrow it from here, they will have to borrow it from some other country that has it to loan, and there are many other countries that have citizens there who have invested large sums of money in the islands.

It might not be out of place to add that several lines of business peculiarly adapted to the Philippines require large sums of money for their conduct. For instance, take the sugar business, which I feel is going to be one of the greatest blessings to the people there when developed. Under the simple methods and the ancient ways of sugar cultivation and manufacture from 40 to 60 per cent of the valuable part of the product was lost and wasted. It can only be utilized and the industry can only be made profitable by the building of centrals, by the building of sugar-manufacturing plants—not refineries—that require the investment of millions; and everybody there, as well as everybody here familiar with the sugar business, knows how essential that is.

Now, they have got to borrow money from some place, and business men and people interested in the islands inform me that this provision is really necessary, in order that there may be a proper investment of foreign capital in the islands. It is a practical matter that is of the utmost importance. Without it, I believe the rate of interest in the islands will be very much higher than it would be with it in the bill. If this is retained in the bill, not only will capital move into the islands for the development of the islands with much greater rapidity than it now does, but it can be obtained on much more advantageous terms than it now can be obtained.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I would like to have two or three minutes more.

Mr. STAFFORD. I ask unanimous consent, Mr. Chairman, that the gentleman from Minnesota be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield there?

Mr. MILLER. Yes.

Mr. GOULDEN. What is the prevailing rate of interest in the islands now, as you discovered while you were in the islands, say, in Manila?

Mr. MILLER. I can not say what the prevailing rate of interest is, but I know that the rate of interest on money loaned out to the people is very high.

Mr. GOULDEN. From what sources outside of the islands themselves are the largest investments made?

Mr. MILLER. The largest investments are from England. Then I found some Swiss with large investments. The largest single investment in the islands is that of the Tobaccolera Co. It is a Spanish and French concern, and it has been there for many years. Then there are some very large American investments already made and being made in the islands.

Mr. GOULDEN. Will the present war in Europe require the calling in of much of those investments?

Mr. MILLER. I do not believe they can call them in, but there will be no further investment from those countries in the islands in the next few months. I do not know how it will be in the years to come. But I do believe it will be of the utmost benefit to the people of the islands to reduce the interest rate and provide them with capital.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. STAFFORD. I quite agree with the purpose which the gentleman had in mind in offering his amendment. I wish to ask him whether he has considered the clogging of the dockets of the Supreme Court with these cases, and whether it would not serve the same purpose to provide, as we do in cases from courts on the Canal Zone, for appeals to be taken to the circuit court of appeals?

Mr. MILLER. No; I do not believe that would do at all. I do not think we should make the Supreme Court of the Philippine Islands second to any court in the world excepting the Supreme Court of the United States; and I want to go on record as saying that the Supreme Court of the Philippine Islands is a magnificent court, and the native members of that court are men of the highest learning and of the utmost probity and capacity. [Applause.]

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. TOWNER. Is it not true that the Supreme Court of the Philippine Islands enjoys the unique distinction of never having had reversed a single appeal from it to the Supreme Court of the United States, but that all of its decisions have been affirmed?

Mr. MILLER. That is true.

Mr. JONES. If the gentleman will permit me, Mr. Chairman, I wish to say that the gentleman is mistaken.

Mr. TOWNER. Of the Supreme Court of the Philippine Islands as it is at present constituted?

Mr. JONES. Yes, sir. The gentleman is mistaken. I will say to him, however, that there have been 17 appeals under the present provision, which permits appeals where property to the value of \$25,000 is involved, and there has been but 1 of the 17 cases reversed.

Mr. TOWNER. I think the gentleman is taking into consideration not the present supreme court, but the entire record of courts that have been formed in the Philippine Islands.

Mr. JONES. No. I mean the court as it has been established since the organic law went into effect.

Mr. MILLER. Mr. Chairman, referring to the suggestion made by the gentleman from Wisconsin [Mr. STAFFORD], in so far as his statement bears upon the congestion of business before our Supreme Court, the statement made by the gentleman from Virginia [Mr. JONES] really answers that completely. In a period of 12 years there have been 17 appeals under this clause. That is only about one a year. Now, it is not desired that there shall be many appeals. There will not be many. I suppose if this is retained in the bill in the next 12 years there will not be nearly as many as there were in the previous 12 years. There may not be more than one or two.

But that is not what I am asking for. I want it inserted in the bill, in the organic act that is to be enacted here, as a safeguard to prospective investors, so that money can be obtained on more advantageous terms for the upbuilding and development of the Philippine Islands.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MILLER. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 12, noes 32.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 26. That the Government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, or franchises for doing business in said islands in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine Government or on the complaint of any citizen of the Philippines under such regulations and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than \$10,000.

Mr. TOWNER. Mr. Chairman, I desire to offer the following amendment. I move to strike out, in line 20, page 23, the words "claimed or alleged to be."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 23, line 20, strike out the words "claimed or alleged to be."

Mr. TOWNER. Mr. Chairman, I do not know how those words got into the bill. I suppose by inadvertence, but certainly they ought not to be there. The language is:

That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude.

There is no claim that such language ought to be in the bill on the part of the committee. The language will be entirely sufficient if those words are stricken out, so that it will read:

That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation—

I do not think, Mr. Chairman, it is necessary to say anything further in support of the amendment.

Mr. JONES. Mr. Chairman, I do not know that I have any objection to the amendment. I want to say, however, that the words were not inadvertently inserted in the bill, as the gentleman from Iowa seems to think. These words are copied, if I am not mistaken, verbatim from the organic law. I have no objection, however, to the elimination of the words.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. I call attention to the proviso in line 15, page 22, which reads, "No private property shall be taken for any purpose under this section," which provides for the taking of property by public quasi corporations exercising the power of eminent domain, "without just compensation paid or tendered therefor."

I think, Mr. Chairman, we should amend this so as to read "taken or damaged." The Constitution of the United States uses the words, in the fifth amendment, "nor shall private property be taken for public use without just compensation." The taking of public property by a corporation exercising the power

of eminent domain is a quasi taking for public use, but at the same time in the taking of that property for that use, now known and recognized as a public use, property is very often damaged, and the damage done to the property oftentimes is much more serious and greater than the value of the property so taken.

To illustrate: A railroad comes through your property and, exercising the power of eminent domain, it takes the roadway and pays a just compensation for it, ordinarily its market value. At the same time it may greatly damage the property that they do not take and use. It may run through your orchard or your flower yard; it may cut down a portion of the forest which has been there for years, which your ancestors have planted. They may even invade the place where your dead are buried. They may damage it in many ways, and simply to say that you permit the corporations to pay only for the property they take is not keeping up with the idea that the courts in most of the States of the United States, in considering the question, have decided that the owner of the property ought to be compensated for the damage done to it as well as the value of the property taken.

Mr. TOWNER. Has the gentleman an amendment to offer on that proposition?

Mr. BARTLETT. I have one; yes. I did not want to offer an amendment which would not be acceptable. My amendment is that after the word "taken," in line 15, page 22, insert the words "or damaged," so that it will read: "property shall not be taken or damaged for any purpose under this act without compensation," and so forth.

Mr. GARRETT of Tennessee. Then, it would read "no private property shall be taken or damaged for any purpose under this section."

Mr. BARTLETT. Without just compensation.

Mr. GARRETT of Tennessee. Shall be taken or damaged?

Mr. BARTLETT. Under this section.

Mr. GARRETT of Tennessee. Is it the construction of the gentleman that this is not broad enough to cover damages?

Mr. BARTLETT. Yes; it is doubtful whether, under this language, it would cover damages done to the property. I will state to the gentleman that in Georgia we placed in our constitution of 1877 to meet this very question the words proposed to be incorporated in this act.

Mr. BORLAND. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. BORLAND. We have done the same thing in Missouri. We have inserted the same words because, under the theory that a railroad company has built along a street line its own roadway and prevents access between two portions of a man's land that formerly belonged to the owner, that is a damage; or it can raise a great fill, and only the toe of the fill going on the land with very little actual land taken, but doing very great damage. The same way if a cut was made, there would be a canyon or sunken way between the two portions of the land, and that is a great damage, but not strictly a taking.

Mr. TOWNER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. JONES. Mr. Chairman, I suggest to the gentleman that it would be an improvement in the language and, I think, the sense of the amendment if it read this way: "No private property shall be damaged or taken for any purpose," and so forth.

Mr. BARTLETT. I am perfectly willing to accept that. I suggest, Mr. Chairman, that that modification be made.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I trust that this amendment will be agreed to. While in most of the States where the question has arisen injury or damage is held to be included under the taking of the property, still there has been a great deal of litigation regarding that matter. This will settle it and make it plain and clear that if the value is materially impaired, if taken by the Government, it must be paid for.

Mr. JONES. The committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The Clerk read as follows:

Page 22, line 15, after the word "be," insert the words "damaged or."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word for the purpose of calling the gentleman's attention

to another matter to which I have given some consideration. I refer to the language:

Without just compensation paid or tendered therefor.

I do not think that we should leave it in that shape. Ordinarily where the parties do not agree as to the damage or value to the property taken there is in the States or under the laws of the United States some sort of tribunal to assess the value of the property and the damages. We call them commissioners in our State. That tribunal is to judge the value of the property taken or damaged, and they fix the value. The amount so fixed, the law provides, may be tendered or paid into court, and then the corporation may proceed with its work; but here in this bill you permit the mere tender of an amount not ascertained or agreed upon by anyone except the person who desires to take the property. For instance, a railroad desires to go through the property of some owner of land in the Philippine Islands, and under this bill that railroad company will say, "I do not believe the land to be worth so many dollars, but I will tender you this amount." Who is to determine the value? The landowner declines to take what is tendered to him, but the mere tender of it gives the corporation all of the right that the payment for the property would give it. Therefore I do not think we should, after requiring that just compensation should be paid, which is proper under the Constitution of the United States, say that that requirement of just compensation may be met by a simple tender, without providing at least the means by which just compensation may be ascertained and determined.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. FESS. I wanted to make the observation that simply offering, without any agreement as to what it is worth, would not be a tender, and you would have to have an adjudication in court.

Mr. BARTLETT. Doubtless that would be a proper construction, but you leave it for the corporation itself to determine what amount it will tender, and afterwards leave it to the court to determine whether that is a sufficient amount; but when he tenders the amount, it meets all of the requirements of the act, and they may take the property. The property can be taken in two ways—first, by paying just compensation; and if the owner does not agree that the compensation offered is just, then the corporation may tender what it considers is just, and that answers the requirement.

Mr. FESS. My observation was that if I simply offer you something without any adjudication as to what it is worth, that would not be a tender at all, and it would require an adjudication.

Mr. BARTLETT. You leave it uncertain how the amount is to be determined.

Mr. FESS. You can not do it with the wording as it is here.

Mr. BARTLETT. Exactly; that is the point I am making.

Mr. BORLAND. Does not the gentleman think that language is broad enough, however, for an organic act or a constitutional provision as a basis of legislative enactments? Does not the gentleman think that provision probably could be made for ascertaining just compensation and how the tender should be made and paid into court and in what period it should be paid? Does the gentleman think it is necessary that all of these details should appear in an organic act?

Mr. BARTLETT. No.

Mr. BORLAND. Where the provision of the organic act is that private property shall not be taken without just compensation, paid or tendered, that constitutional right can be further carried out by proper legislation, and until it is carried out the gentleman knows an injunction would lie against taking any property unless some proceeding had been taken.

Mr. BARTLETT. That may be a proper criticism, and I yield to it as such; but, for one, I do not believe the property ought to be taken until it is paid for. The mere tender is not a payment.

Mr. BORLAND. It is customary now to allow the amount to be paid into court in case the owner will not take the money.

Mr. BARTLETT. A tender is not good unless it is continuing, of course.

Mr. GARRETT of Tennessee. Mr. Chairman, I would say to the gentleman from Georgia that the theory just suggested by the gentleman from Missouri [Mr. BORLAND] is the theory on which this language was put into the bill. I will say that it struck me at first as peculiar language, but the committee included it upon this theory, that after just compensation had been determined under the forms of law there ought to be some provision whereby these public-utility corporations should not

be held up on technicalities if they could go ahead with the work by tendering the money in court.

Mr. BARTLETT. Does not the gentleman think it leaves open a wide field there for litigation to determine what is to be a tender?

Mr. GARRETT of Tennessee. My idea of the proper construction of this language, I will say to the gentleman, is this, that the just compensation must be determined under the forms of law before it can be either paid or tendered. In other words, if they have condemnation proceedings, a jury of view, such as we have in Tennessee—I do not know what the custom is in the gentleman's State—

Mr. BARTLETT. We have what we call commissioners.

Mr. GARRETT of Tennessee. They will have passed upon it or fixed the amount before it can be paid or tendered, unless there shall be a private agreement. Of course the theory is that these public corporations are desirable things to have.

Mr. BARTLETT. Until after you get them; yes. [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman is recognized.

Mr. GARRETT of Tennessee. Upon the theory that they are necessary, that they are public necessities, the committee felt that it was perfectly proper to put these words, "or tendered therefor," in the bill, to the end that they might not be held on technicalities after the just compensation had been determined.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Ohio.

Mr. GORDON. The statute in my State provides, in case it is sought to condemn property after a jury has fixed the value upon it in the lower court, that the person seeking to condemn the property deposits the amount fixed by the jury; but that does not, however, destroy the right to review the decision on proceedings in error.

Mr. GARRETT of Tennessee. It is not intended this should.

Mr. GORDON. Of course our constitution provides, however, that no private property can be taken until it has been paid for.

Mr. GARRETT of Tennessee. Well, I do not understand it is intended that this prevents a review.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. COOPER. Suppose, after the word "compensation," in lines 16 and 17, page 22, you should put "without just compensation lawfully determined, paid or tendered therefor." Suppose you put in the words "first lawfully determined" or "by due process of law"?

Mr. GARRETT of Tennessee. Personally, I see no objection to that.

Mr. COOPER. "Lawfully determined" means in accordance with law, and is a better expression.

Mr. TOWNER. Mr. Chairman, I desire to offer an amendment in reference to that language.

Mr. GARRETT of Tennessee. First, I desire to yield to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, I simply want to make this observation, or rather to put it in the shape of a question: If the words "or tendered" are eliminated and the language is "just compensation paid," payment necessarily implies acceptance; and if the person whose property is to be taken is paid or accepts compensation, he thereby estops himself from an appeal, no matter how unjust or inadequate he may think the compensation is that the jury or the awarding body has allowed him. So that it is absolutely necessary to have those words "or tendered" in there in order to preserve the rights of the owner of the property, or else you indefinitely delay or postpone the enterprise for which the property is being taken.

Mr. GARRETT of Tennessee. That is the theory, as the gentleman knows and has well stated, upon which the committee proceeded.

Mr. JONES. Mr. Chairman, I do not understand there is any amendment pending.

Mr. TOWNER. Mr. Chairman, I know; but I desire to offer an amendment, if I can get the chance. I move to strike out, in line 17, page 22, the words "paid or tendered therefor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 22, line 17, by striking out the words "paid or tendered therefor."

Mr. TOWNER. Mr. Chairman, this brings the language of the bill in consonance, as it ought to be, with the language used in the Constitution of the United States and in most of the

States. The language used in the Constitution of the United States is simply this:

Nor shall private property be taken for public use without just compensation.

That language has been construed by the Supreme Court. It has a settled and determined meaning. It has been held to include injuries and damages in the taking of the property, and it would allow every possible benefit that could accrue to the individual that any additional words could give. The difficulty with this language, which has been used in some of the State constitutions, "paid or tendered therefor," is that it is entirely unnecessary. It is meaningless, in the first place, because if the compensation has been paid there is no controversy between the parties. If the United States pays the compensation, there is no question arising, and if the amount is undetermined, it can not be tendered, so that the language is impossible of being made efficacious. It ought to be stricken out in the interest of fairness and in the interest of the people who are being affected thereby.

Mr. STEENERSON. Is it not the usual thing in State constitutions to say "paid or secured"? Because if you simply authorize the taking, without any limitation, you can hold up the building of a railroad, for instance, by litigation that may last for years. In our State we allow a railroad or an improvement of that kind to be constructed if the compensation for the right of way, for instance, is deposited with the clerk of the court where the condemnation proceedings are carried on, so that it will not stop the matter.

Mr. TOWNER. All these matters are and ought to be entirely legislative. Provisions of that character ought to be legislative acts. You can not put in a constitution enough language to cover it. You ought to put in nothing except this bare statement that no property shall be taken without just compensation, just as the Constitution of the United States does. It is impossible to improve upon it, and the provision with regard to the method of paying the ascertained value, the tribunal to which it shall be submitted, and the security that shall be required for the amount ascertained by the tribunal—all of those questions are questions of legislative action, and should be left to the legislature.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

[Mr. GREENE of Massachusetts addressed the committee. See Appendix.]

Mr. HELM. Mr. Chairman, I want to ask the chairman of the committee if he would agree to an amendment striking out the words "or concession," on page 23, line 18?

Mr. JONES. Yes.

Mr. HELM. I offer an amendment, on page 23, line 18, by striking out the comma after the word "grant" and inserting the word "or," and strike out the words "or concession."

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 23, line 18, strike out the comma after the word "grant" and insert the word "or," and strike out the words "or concession" after the word "franchise."

So that it will read:

Person, company, or corporation receiving any grant or franchise from the government of said islands.

Mr. MILLER. Mr. Chairman, will the gentleman yield? The gentleman understands that this provision just applies simply to persons held in involuntary servitude or peonage?

Mr. BORLAND. Is there such a thing as concession?

Mr. MILLER. This is the language, I assume, in the organic act, is it not?

Mr. GARRETT of Tennessee. I think the word "concession" was used, but it was stricken out in this bill.

Mr. MILLER. Of course, the place where the gentleman moves to strike out the word "concession" is a place that is dealing with peonage in the islands.

Mr. HELM. It is a word that has been eliminated from other parts of the bill.

Mr. MILLER. It is to prevent anybody who is receiving a franchise or concession from employing persons who are held against their will.

Mr. JONES. I will say to the gentleman from Kentucky that he is limiting it.

Mr. MILLER. Yes; the gentleman is excluding one class, and the presumption would be—

Mr. JONES. The gentleman from Minnesota is right about it.

Mr. HELM. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, may I be recognized?

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. MILLER. Mr. Chairman, I move to strike out the word "such," in line 14, page 22. It seems to me that leaves a great deal of ambiguity in the language. This is the provision in relation to public property.

Now, as it reads, there is given the authority to authorize the construction of works "across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities." Now, if this remains in the bill you have given to the government of the Philippine Islands the power to extend the power of eminent domain over the property of the United States, streets, highways, squares, and reservations belonging to the government, and then you say you give to the municipalities, under regulations to be passed by the legislature, the right to use and occupy such public property. Now, the word "such" there applies to the property of the United States. That is what it says now.

Why not strike out the word "such"? You thereby attain the object you have in view. The word "such" refers back to all the classes of public property, which includes the property of the United States, and by striking it out it will read, "may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy public property belonging to said Provinces or municipalities." It would clear it up very materially.

Mr. JONES. I see no objection, Mr. Chairman, to the adoption of the language proposed by the gentleman from Minnesota, but if he will look at the organic act he will find that this language is copied verbatim from that act.

Mr. COOPER. Mr. Chairman, will the gentleman permit an interruption?

Mr. MILLER. Yes.

Mr. COOPER. The use of the word "such" would, as the gentleman suggests, limit it to the kinds of public property specified in the section. If you strike out the word "such," it would authorize those municipalities to permit these corporations to use all kinds of public property owned by the municipalities. Do you wish to do that? Do you not wish to limit them to the specific kinds of property owned by the municipalities which are mentioned in the preceding lines of that section? Is not the word "such" used there advisedly? You go over and cross the public property, including streets, highways, squares, and reservations, and over similar property in the islands. But it would not give the municipality the right, if you retained the word "such," to convey to a corporation the right to use an entire public square. They could go across it. I think the word "such" ought to be retained there. I do not think the word "such" ought to be stricken out.

Mr. JONES. Mr. Chairman, since reading the language carefully, I rather agree with the gentleman from Wisconsin [Mr. COOPER]. At least he has convinced me that the word "such" ought to be retained. The gentleman from Minnesota [Mr. MILLER] will observe that the language used is this:

That the Government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands.

Notice the words, "similar property of the government of said islands." Then the provision continues—

And may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities.

The word "such" evidently refers to the property belonging to the government of the islands, and I think upon further consideration it would be improper to strike it out.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MILLER. Mr. Chairman, has my time expired?

The CHAIRMAN. It has.

Mr. MILLER. I would like one moment more.

Mr. JONES. Does not the gentleman from Minnesota think, after examining the language carefully, that the word "such" should be retained? I agreed with the gentleman at first, but

a more careful reading of the paragraph convinces me he was mistaken in his construction of its language.

Mr. MILLER. Since the gentleman from Wisconsin [Mr. COOPER] has called attention to it, I think his comment is a forcible one, but that does not answer the objection made, namely, that the word "such" refers principally to property of the United States. We will grant that there is property of the United States "belonging to said Provinces or municipalities."

Mr. JONES. To make it perfectly clear as to what property is meant, these words are added:

Such property belonging to said Provinces or municipalities.

Taking the two sentences together, there can be no doubt that the property of the islands is that referred to.

Mr. MILLER. It is extremely doubtful language.

Mr. JONES. Since I have read it over carefully, it seems to me it could not be made much plainer.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BRYAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, line 15, after the word "exercised," strike out the colon and insert a semicolon and the following language: "No franchise shall be granted for a longer term than 50 years."

Mr. BRYAN. Mr. Chairman, the way the act is worded there is no limitation of the term for which the franchise may be granted. Franchises may be granted with reference to any public utility in perpetuity under this bill, and I believe that in view of the experiences we have had here in our cities, our municipalities, our States, and in the country at large we ought to be very glad to establish some safeguard that would limit the term for which a franchise might be granted.

A perpetual franchise runs for a long time, and it seems to me this is one of the most important features in connection with the granting of franchises, how long will they run? We had the other day the question of water power in rivers and on the public domain, and we agreed on a franchise of 50 years there. It seems to me there ought to be some time limited in this bill.

Mr. BORLAND. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. BORLAND. Is not the gentleman's fear unfounded, in view of the language in lines 21, 22, and 23 that "no franchise or right shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States"?

Mr. BRYAN. If we give them their independence, suppose a franchise is granted in perpetuity after this law takes effect. Five years from now the Democrats will prevail on the Republicans or somebody else to give them their independence, which they say ought to be given them in this preamble; how will Congress revoke that franchise?

Mr. BORLAND. If they have their independence, they will succeed to the sovereignty and exercise all of the right of sovereignty, and could not they repeal the charter?

Mr. BRYAN. Perhaps so; but that is unsatisfactory. The United States is going to keep the Philippine Islands until all of us are dead; there is no question about that. Congress is going to have this authority and power for a very long time. No one is going to consent to the ridiculous proposition of quitting the Pacific Ocean. The suggestion that Congress has the right to repeal is inadequate, and I think the franchise ought to be limited. Does anyone here suppose Congress is going to take up a Philippine franchise after it has been running for a number of years and repeal it, except for the grossest and most unusual abuse? Let us fix a limit.

Mr. JONES. Mr. Chairman, I think the questions asked by the gentleman from Missouri sufficiently answer the argument of the gentleman from Washington.

Mr. COOPER. Will the gentleman permit a question?

Mr. JONES. Certainly.

Mr. COOPER. Suppose that a large number of franchises are granted over there in perpetuity by the Philippine Legislature. The Sugar Trust now has 55,000 acres of land in Mindoro. It was not intended by Congress that any corporation should have the right to purchase more than 2,500 acres of agricultural land in the islands, which, acre for acre, is three times as productive as ours. But that company has 55,000 acres. If we give the Philippine Government power to grant perpetual franchises, how many corporations will secure gigantic concessions, and when the Government of the United States under-

takes to hand over the Philippines—should it ever do so—demand that their rights be protected by express provisions in the articles of cession?

Mr. JONES. The gentleman asks a question which I do not think has any application to the subject under discussion. The sale of those lands was not the grant of a franchise. It was a sale made by the Philippine Government under a section of the organic law which provides for the sale of the public lands, and limits the amount to be sold to an individual or corporation. The commission decided that the restrictions placed upon the sales of the public domain acquired from Spain did not apply to the friar lands which were acquired by purchase, and authorized the sale of those lands in quantities in excess of 1,040 hectares. The gentleman from Wisconsin thought, and I thoroughly agreed with him, that the commission violated the law in making such sales. But I do not think that there is any connection between those illegal sales and a provision which relates to the granting of franchises.

Mr. COOPER. No; but corporations of that kind might be able to get all sorts of concessions and franchises.

Mr. JONES. If they do get them, Congress can annul them; and if Congress does not do it before the Philippines get their independence, as the gentleman from Missouri has well said, the Philippine Government will succeed to all the attributes of the sovereignty of the United States, including the right to annul franchises.

Mr. COOPER. The gentleman from Virginia and I agree on the proposition that the sale of 55,000 acres of land to the Sugar Trust, or to any other single purchaser, was in direct violation of the whole spirit and intent of Congress and of the law. To prove that our contention is correct I refer to the fact that the Secretary of War, Mr. Taft, in a speech, in 1905, before the Commercial Club of Kansas City, an excerpt from which speech I put into the Record in July, 1912, expressly informed that club—I have a verbatim printed copy of the speech—that Congress had by the act of 1902 limited the amount of lands which any corporation could own over there to 2,500 acres, and that therefore there was no danger of exploitation by gigantic corporations. And yet afterwards 55,000 acres of land were sold to the agent of one corporation—the American Sugar Trust.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. They were first refused the right to buy so large a tract, and were told at the War Department, in the office of the Bureau of Insular Affairs, that Congress had by the act of 1902 prohibited any corporation from buying more than 2,500 acres.

Mr. MILLER. Was the prohibition in the act of 1902 confined to the public domain?

Mr. COOPER. It was not by any reasonable construction of the law.

Mr. MILLER. Can the gentleman point out in the organic act any place where it says that the friar lands only to the extent of that amount of acreage could be sold to one individual or corporation?

Mr. COOPER. Mr. Chairman, in reply to the gentleman I have to say that I introduced the bill and reported it to the House from the Committee on Insular Affairs, and that I always understood, as did everybody else, that the bill and the law it became applied to all of the public lands in the Philippine Archipelago. It is preposterous to suppose that the Congress of the United States intended to give to any single corporation or individual the right to buy 55,000 acres of those enormously productive lands. To say that Congress intended to allow such a thing is to say that Congress intended to put no restriction whatever on the amount of land that a corporation could buy, but deliberately permit any corporation, if it so desired, to buy all of the public lands in the islands.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. COOPER. Yes.

Mr. JONES. I wish to say in reply to the remark of the gentleman from Minnesota [Mr. MILLER] that I regret that this discussion has been entered upon.

Mr. MILLER. I did not enter upon it.

Mr. JONES. The gentleman asked the gentleman from Wisconsin if he could point to a single line of the organic law which forbids the sale of friar lands in excess of 1,040 hectares, and I desire to call his attention to this. If he will refer to sections 63, 64, and 65 of the organic law, under which these friar lands were purchased, and will examine section 65, he will find this language:

All lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold or conveyed, or leased temporarily for a period not exceeding three years after their acquisition by

said Government, on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

This is the provision of law which the gentleman from Wisconsin [Mr. COOPER] thinks forbids the sale of the friar lands in larger quantities than the lands acquired from Spain can be sold.

Mr. MILLER. Can the gentleman from Virginia inform the committee whether or not the Attorney General of the United States construed this paragraph; and if he did, what did he hold?

Mr. JONES. I will reply to the gentleman's question if he will give me his attention.

Mr. MILLER. I am listening.

Mr. JONES. The then Attorney General did give an opinion—a very brief and hastily prepared one—to the effect that there was no limitation upon the quantity of the friar lands which could be disposed of. Subsequently there was a congressional investigation as to these sales when this opinion was called in question. I was told then that the Attorney General said that if he had known the question was "loaded" he would have given the subject more careful consideration. At any rate, it bore intrinsic evidence of hasty preparation, and was never, I think, given any serious consideration by any good lawyer.

Mr. COOPER. Mr. Chairman, may I interrupt the gentleman to say that in that opinion, or in an article in a newspaper or magazine, the Attorney General took occasion to say, in effect, that manifestly it was the intent of Congress to authorize such a transaction as that 55,000-acre purchase. I was the chairman of the committee that reported the bill, and I know that he utterly misstated the intent of Congress.

Mr. JONES. May I not ask the gentleman another question?

Mr. MILLER. Mr. Chairman, may I inquire who has the floor?

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Wisconsin have two minutes more. Is there objection?

Mr. MILLER. Mr. Chairman, reserving the right to object, I certainly do not want to enter into any controversy over this question. It has no bearing on the bill.

Mr. JONES. I do not think it has either; but it has nevertheless been dragged in.

Mr. MILLER. I have not raised the subject, and it seems to me that if we are going into it we ought to go into it thoroughly. There is a great deal that can be said upon both sides, and it is not fair to have this continue on indefinitely with only one side presented, and yet I do not feel disposed, and I do not think anybody else does, to enter into a discussion of it.

Mr. COOPER. Mr. Chairman, I ask that I may have two minutes and that the gentleman from Minnesota may have five minutes.

Mr. MILLER. I do not care for any time, because I am not going to get into any controversy over the matter.

Mr. JONES. I would like to ask the gentleman one question before he proceeds, if he does not object—

Mr. COOPER. I think I would like about three minutes. I want to read what Secretary Taft said.

Mr. MILLER. The gentleman can put it in the Record.

Mr. COOPER. I would like to read it here, because I think it of great importance at this point.

Mr. MILLER. I think its presentation in the way it is being done is not fair.

Mr. COOPER. I will ask the gentleman from Minnesota who inquired if a word could be cited to show the intent of Congress was—

Mr. MILLER. I have no—

Mr. COOPER. I wish to put it in such a way that it will not permit even the gentleman from Minnesota to dispute as to the true intent of the law.

Mr. MILLER. I am not disputing it. I am not entering into any controversy about it.

Mr. COOPER. Mr. Chairman, I ask that I may have three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Mr. Chairman, may I ask the gentleman a question? Is it not true that, notwithstanding the opinion of the Attorney General, to which reference has been made, the Taft administration directed that no more friar lands should be sold in quantities in excess of 2,500 acres, or 1,040 hectares?

That is a fact, and none has been sold since then in larger quantities.

Mr. COOPER. On November 20, 1905, three years after Congress enacted the organic act of 1902, Mr. Secretary of War Taft made a speech to the Commercial Club of Kansas City, Mo. I had an advance press copy of that speech, and will now read what the Secretary said on that occasion as to the law limiting the amount of land which could be sold to a corporation in the Philippine Islands:

Gentlemen of the Commercial Club of Kansas City, we have purchased from the ecclesiastical orders 400,000 acres of the best land in the islands for the purpose of distributing it in small parcels among the tenants, to be paid for in long and easy payments.

Of course, tenants did not occupy all that land, as he well knew. Now, Mr. Chairman, is it to be supposed that the man who made that statement had a secret belief which he deliberately concealed from his audience, that 55,000 acres of those lands could lawfully be sold to one person or, indeed, that the whole 242,000 vacant acres could be lumped off to one man?

But that distinguished gentleman said something else of great importance in that speech which shows conclusively what he thought Congress had done by the law of 1902:

Much is made of the probable investment of American capital in sugar and sugar machinery. In the first place, by the laws of the Philippines enacted by Congress, no corporation can take up or hold more than 2,500 acres of land. This is prohibitory, so far as new investments in sugar plantations are concerned, because the sugar that can be produced from such a tract would not justify the investment of the amount needed for a modern sugar plant.

Mr. Secretary Taft told the Commercial Club of Kansas City that Congress had made exploitation impossible, because the law of 1902, by express enactment, limited the amount of land which could be purchased by a corporation in the Philippines to 2,500 acres.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Nobody ever thought of a 55,000-acre purchase until the Attorney General said that the representative of the Havemeyer Sugar Trust should be allowed to purchase 55,000 acres, and he bought it. [Applause.]

Mr. MILLER. Mr. Chairman, I ask unanimous consent that I may have three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, I am not going to enter into any controversy over this matter. I think the injection of this item at this time by the gentleman from Wisconsin was very ill advised. It is something that should not occupy the time of this committee at this moment, but he has injected it, and, without any desire to enter into a full discussion of it, I think it is only fair to these people to say something. I am reliably informed—and when I say reliably I mean it—that it is the intention of the parties who acquired this land to dispose of it in a great many small quantities to the Filipino people for them to own, occupy, and enjoy. And I ask the gentleman from the Philippines [Señor QUEZON] if that statement is not correct?

Mr. QUEZON. Mr. Chairman, I can say to the committee that I have the same assurance.

Mr. MILLER. So that this institution, which has thus been maligned, as a matter of fact has developed or is developing a large area of wild country in a region where wild people live—the Mangyans—and anybody who knows about this wild people knows the extent of their wildness. This company has already brought 4,000 good Christian Filipino people there, are giving them homes, and they are in process, after having developed and cultivated the land, of selling it and disposing of it as permanent homes for these people. The only benefit that will result to the business association is that the sugar that will be grown upon these lands will be crushed in the mill there to be constructed.

Mr. Chairman, there has been a lot of loose talk about this company and this estate. Doubtless the talk is sincere, but it is grossly mistaken. The facts assumed are erroneous; the conclusions drawn are therefore incorrect. I know whereof I speak when I say that if the gentleman will introduce a resolution providing for the return of this whole estate and all the improvements made thereon, and repaying the company all they have invested in the estate, that company will beg and pray for the passage of the resolution.

Mindoro, where this company is developing these wild lands, has long been known as the white man's grave and the brown man's tomb. Those miasmic areas are filled with malaria of a deadly kind. It has baffled medicine. This company which the gentleman condemns has expended \$100,000 in medical research and has found a means to combat the pestilence. Their contribution to humanity has been great and immediate.

They have constructed a splendid deep-water dock which any boat can use. They are transforming these thousands of acres of cogon grass and jungle into wonderfully fertile and productive areas. They are preparing to sell this to individual Filipinos for them always to enjoy.

The gentleman greatly mistakes the Filipino opinion of this company. The commission, now composed of a majority of Filipinos, recently voted, at the request of a Filipino member, a very substantial governmental aid to the company, it having reached severe financial straits.

Before making such accusations and insinuations, the gentleman should advise himself of the facts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Had we not better have that reported? Perhaps the gentlemen do not know that we are voting on the limitation of a term of franchise.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BRYAN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 13, yeas 20.

So the amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer another amendment, that instead of the words "50 years" the words "in perpetuity" be inserted, so that it will read "that no franchise shall be granted in perpetuity." See if we can not cut out perpetual franchise in a Democratic House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 15, after the word "exercised," strike out the colon and insert a semicolon and the following language: "No franchise shall be granted in perpetuity."

Mr. COOPER. Mr. Chairman, to say that no franchise shall be granted in perpetuity would not be very much of a limitation, because under those words "in perpetuity" a lease could be made for 999 years, and that is considerable of a while. It is not "in perpetuity," but it is a long time.

Mr. BRYAN. If the gentleman will yield, I will say that I was trying to establish a time limit that will suit a Democratic majority here. I was trying to get 50 years adopted. If somebody will amend and make it 100 years, that will be an improvement on my last amendment, and I will support the change. But I submit that if we can prevent the rights of the people being given away in the form of perpetual franchises we will accomplish something. The very fact that the legislature will have to fix a definite term will put them on their guard. To give a light company or a water company or a gas company a perpetual franchise is a crime against the living and against the generations yet to come.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. BRYAN].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. BRYAN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 14, yeas 24.

So the amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer a new section to come right in there.

The CHAIRMAN. The gentleman from Washington offers a new section, which the Clerk will report.

The Clerk read as follows:

Insert as a new section, 26a, the following:
"The sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the Philippine Islands and all territory subject to the jurisdiction thereof are forever prohibited. The Philippine Legislature shall have power to provide for the manufacture, sale, importation, and transportation of intoxicating liquors for sacramental, medicinal, mechanical, pharmaceutical, or scientific purposes, or for use in the arts, and shall have power to enforce this article by all needful legislation."

Mr. STAFFORD. Mr. Chairman, I make a point of order that the amendment is not germane to the section under consideration.

Mr. BRYAN. I will state to the gentleman—

Mr. STAFFORD. Permit me, if the gentleman please—

Mr. BRYAN. I was going to tell you it was a new section.

Mr. STAFFORD. Will the gentleman permit me?

Mr. BRYAN. Will the gentleman yield?

Mr. STAFFORD. I will not. I make the point of order that the provision restricting the legislation was a prior section, and it should have been inserted there, where it might have been in

order. It certainly is not in order at this place, which relates to franchises and not to the limitation of the legislature.

Mr. BRYAN. Mr. Chairman, there is likely to be quite a discussion on this point of order unless the Chair is ready to rule at once, and I therefore make the point that there is not a quorum present.

Mr. MILLER. Oh, no. I trust the gentleman will not do that.

Mr. BRYAN. I think this ought to go over for a day or two. The CHAIRMAN. The Chair is ready to rule.

Mr. BRYAN. I was going to make the point after the Chair had ruled, anyway.

Mr. MILLER. There is another amendment to the paragraph that I want the Resident Commissioner from the Philippines to speak upon, as the gentleman wishes to leave to-night.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent that this amendment I have just offered shall go over until our next convening.

Mr. MILLER. Withdraw it until after the reading and consideration of the next paragraph. I ask unanimous consent, Mr. Chairman, that the consideration of the amendment offered by the gentleman from Washington [Mr. BRYAN] be postponed until after we have completed the consideration of section 27.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] asks unanimous consent that the consideration of the amendment offered by the gentleman from Washington [Mr. BRYAN] shall be deferred until the conclusion of the reading of section 27. Is there objection?

Mr. MOORE. Reserving the right to object, Mr. Chairman, I would like to know if it is the intention of the chairman of the committee to complete the reading of this bill to-night?

Mr. JONES. I did not catch the gentleman's inquiry.

Mr. MOORE. I have reserved the right to object in order that I might ask the gentleman from Virginia [Mr. JONES] whether he intends to press for the reading of the bill to a finality to-night?

Mr. JONES. No. I would like to have the Clerk read through the governmental provisions. We are now nearly through them. The preamble will take some time to discuss, and gentlemen will want time, and I shall not press it.

Mr. MOORE. We can go on with the consideration of the bill to-morrow?

Mr. JONES. Yes.

Mr. BRYAN. Mr. Chairman, I make the point of order that there is no quorum present. The gentleman would not agree to my unanimous-consent request.

Mr. JONES. What was it?

Mr. BRYAN. I asked unanimous consent that the further consideration of this amendment go over until the next time this committee meets.

Mr. MILLER. I thought I was making just exactly the request that the gentleman wanted.

Mr. BRYAN. I ask that the request be submitted. Mr. Chairman, that the further consideration of the amendment that I have offered go over until this committee meets again—to-morrow or next day.

Mr. JONES. The gentleman might state it this way and accomplish his purpose—to go over until we have completed the reading of the governmental provisions of the bill.

Mr. BRYAN. We are not going to complete the bill to-day?

Mr. JONES. No.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the consideration of his amendment go over until the next day when this bill is considered—

Mr. STAFFORD. With the point of order pending?

The CHAIRMAN. Yes. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies assistants, and other help, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature and approved by the Governor General; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, \$18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; chief justice of the supreme court, \$10,500; associate justices of the supreme court, \$10,000 each.

Mr. MILLER. Mr. Chairman, I move to strike out, in line 20, page 24, the figures "\$18,000" and substitute in lieu thereof

the figures "\$25,000." I would like to be heard, Mr. Chairman, for just a moment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The Clerk read as follows:

Page 24, line 20, strike out the figures "\$18,000" and insert in lieu thereof the figures "\$25,000."

Mr. MILLER. Now, Mr. Chairman, unless this amendment is adopted, or one substantially increasing the amount named in the bill, the Governor Generalship in the Philippine Islands must in future go to a rich man.

It is unquestioned that \$18,000 will not pay the expenses of the Governor General of the Philippine Islands. I assume, and I believe I assume correctly, that the membership of the committee want to respond to the wishes of the Filipino people as far as possible, especially in a matter where Filipino people are going to pay the bill. Now, if the Filipino people desire that their Governor General shall have a salary of \$25,000, which they themselves pay, in order that he may occupy the position required by the importance of his office, it seems to me we ought to grant their request.

Mr. QUEZON. Mr. Chairman, will the gentleman yield right there?

Mr. MILLER. Certainly.

Mr. QUEZON. I would like to make the statement, Mr. Chairman, in connection with what the gentleman from Minnesota is saying, that the Philippine Assembly, at the last session of the Philippine Legislature, while it tried to reduce, and did reduce, the salary of almost every high-salaried official of the Philippine Government, it did not wish to reduce the salary of the Governor General. In fact, there were some members who thought it should be increased to \$25,000, because the people of the Philippine Islands realize the heavy burdens of the position. I have just received a cablegram from the speaker of the assembly making some suggestions regarding this bill, and one of these suggestions is in line with the amendment of the gentleman from Minnesota.

Mr. MILLER. That is a cablegram from the speaker of the assembly to the effect that the Filipinos would like to have this salary increased to \$25,000?

Mr. QUEZON. Yes, sir.

Mr. MILLER. Gentlemen, it is of the utmost importance, I think, that this amount be increased as requested by the people of the Philippines. The Governor General is to occupy the Malacanang Palace, left by the Spanish Government. He can not occupy it in a decent way on the sum named here. Now, the Filipino people desire that he occupy a place commensurate with the dignity of his office, and they are glad and willing to pay this amount, and they ask Congress to increase it.

Mr. QUEZON. Mr. Chairman, will the gentleman allow me to make a further statement?

Mr. MILLER. Yes.

Mr. QUEZON. I would like to say that the salary of the Governor General has been reduced by the legislature at the insistence of Gov. Harrison himself.

Mr. MILLER. Yes. The Governor General thought that inasmuch as other salaries were being reduced, he would reduce his own. Now, we all know that the salary of the Governor General is not of prime importance to him for he is a wealthy man.

Mr. STAFFORD. What is the present salary?

Mr. MILLER. Eighteen thousand dollars. Heretofore it was \$21,000.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. GARRETT of Tennessee. Would it be satisfactory, instead of adopting an arbitrary sum, to insert a provision that it shall not be less than the following sum, so as to leave the amounts as they stand in the bill and still leave it to the Philippine Legislature?

Mr. MILLER. I do not think that change would make any difference. They can do that now.

Mr. GARRETT of Tennessee. I do not think they could under the terms of this bill for we fix it arbitrarily. If the gentleman would accept that proposition, I think we could compromise the matter.

Mr. MILLER. Well, I would be willing to accept that.

Mr. MOORE. Mr. Chairman, I make the point of order that no quorum is present.

Mr. QUEZON. I wish the gentleman would withhold that long enough for me to address the committee for a few minutes.

Mr. MOORE. Very well, Mr. Chairman; I will withdraw it for the present.

[Mr. QUEZON addressed the committee. See Appendix.]

Mr. MOORE. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. JONES. Mr. Chairman, will not the gentleman be willing to withhold his point until we can dispose with this amendment? I will say to the gentleman that these other gentlemen have agreed among themselves, and there will be no discussion of it.

Mr. MOORE. Mr. Chairman, I will say to the gentleman that there are other amendments to be offered and it would take at least an hour to finish this paragraph, if we open it up again, and we will be no better off than we were 10 minutes ago. I insist upon the point of order.

Mr. JONES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18459 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWELL, indefinitely, on account of sickness in his family.

To Mr. WATSON, indefinitely, on account of sickness in his family.

FREDERICK H. LEMLY.

Mr. STEDMAN. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 3561) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, it is rather late in the day to consider that kind of a bill. The gentleman can bring it up to-morrow or the next day.

Mr. STEDMAN. It is a case of extraordinary merit.

Mr. STAFFORD. I would first have to examine the bill before I could give my consent to it, and I can not do it at this late hour. I hope the gentleman will withdraw his request and submit it to-morrow or next day.

Mr. STEDMAN. Mr. Speaker, I withdraw the request.

CALENDAR WEDNESDAY.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that business in order to-morrow under the rule shall be in order on Thursday.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that business that would be in order to-morrow, Calendar Wednesday, be transferred or postponed until Thursday. Is there objection?

Mr. HENRY. Mr. Speaker, reserving the right to object, does that mean that Thursday shall be Calendar Wednesday?

The SPEAKER. It does.

Mr. HENRY. Then I believe the Committee on Printing has a bill up for consideration, which will be the regular order?

The SPEAKER. That is correct.

Mr. HENRY. Under the circumstances, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on denatured alcohol as a source of power on the farm.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of woman suffrage.

The SPEAKER. Is there objection?

Mr. BRYAN. Mr. Speaker, reserving the right to object, may I ask the gentleman on what side he is?

Mr. HAYDEN. I am in favor of it.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of a matter that has come up in the Pension Office.

The SPEAKER. Is there objection?

Mr. HENRY. Reserving the right to object, what is the subject?

Mr. PLATT. A matter that has come up in the Pension Office.

Mr. HENRY. Mr. Speaker, I want to couple with that a request that I be permitted to extend my remarks in the Record on the subject of cotton. If that is done, I shall not object.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record on the subject of pensions, and the gentleman from Texas couples to that a request that he be permitted to extend his remarks on the subject of cotton. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, to-day this side has raised no objection to two or three requests for unanimous consent to extend remarks in the Record made on the other side. Here is the first occasion that any Member upon this side has made that request—

Mr. CRISP. Oh, no; consent was just this moment granted to the gentleman from Washington [Mr. FALCONER].

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object—

Mr. DONOVAN. Mr. Speaker, I demand the regular order. Shoot, Luke, or give up the gun!

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, if I may be allowed to do so—

Mr. HENRY. I shall object, unless I can say something.

Mr. DONOVAN. Mr. Speaker, regular order.

The SPEAKER. The regular order is demanded and the regular order is, is there objection?

Mr. HENRY. Mr. Speaker, I do object.

The SPEAKER. The gentleman is objecting to his own request.

Mr. HENRY. Mr. Speaker, I thought the Speaker was putting the other request. I shall not object to my own request.

The SPEAKER. Is there objection to this double-headed request?

Mr. PAYNE. Mr. Speaker, if I can not reserve the right to object, I shall have to object. I wanted to accommodate the gentleman—

Mr. HENRY. I am sorry the gentleman is objecting to any pension matter.

Mr. PAYNE. I wanted to accommodate the gentleman from Texas, but the gentleman from Connecticut will not let me—

Mr. HENRY. I am sorry the gentleman from New York and the gentleman from Connecticut see proper to object to pension matters.

The SPEAKER. Is there objection?

Mr. PAYNE. I do not object to the pension request, if that is the only request.

The SPEAKER. Does the gentleman object to the other request?

Mr. PAYNE. I do, unless I can have a chance to say a word.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. PLATT]?

Mr. HENRY. Mr. Speaker, is my request coupled with it?

The SPEAKER. No; the gentleman's request is knocked out.

Mr. HENRY. Who knocked it out?

The SPEAKER. The gentleman from New York.

Mr. HENRY. Then I would have to knock out his request; and I do object.

The SPEAKER. No; the gentleman from New York, Mr. PLATT, did not object, but it was the gentleman from New York, Mr. PAYNE, who objected.

Mr. HENRY. It is as broad as it is long, and I object.

The SPEAKER. The gentleman from Texas objects.

Mr. GILLET. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by publishing a speech delivered by my colleague, Mr. WINSLOW, at a Republican convention in Massachusetts.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLET] asks unanimous consent that he may extend his remarks in the Record by printing a speech delivered by his colleague [Mr. WINSLOW] at a Republican convention.

Mr. HENRY. Mr. Speaker, I will couple my request with that and ask unanimous consent that I may be allowed to print some remarks on cotton.

Mr. STAFFORD. Mr. Speaker, does the gentleman think it is fair from his standpoint, after consents have been granted to Members on his side, to couple up such a request?

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman can not amend a request of that kind. It must be put separately. I think the gentleman is entitled to have his request put separately.

Mr. HENRY. I have another way of amending it, and I object.

Mr. PAYNE. All right.

The SPEAKER. The gentleman from Texas objects.

ADJOURNMENT.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, October 14, 1914, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16521) granting a pension to James F. Mitchell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOWARD: A bill (H. R. 19262) to amend section 5211 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. MITCHELL: A bill (H. R. 19263) providing for the retirement of officers of the Philippine Scouts, United States Army; to the Committee on Insular Affairs.

By Mr. RIORDAN: Resolution (H. Res. 644) to provide for the printing and distribution of Washington's Farewell Address; to the Committee on Printing.

By Mr. RUPLEY: Resolution (H. Res. 645) granting to all carriers of the United States mail, including rural carriers, a holiday on Christmas Day; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19264) granting an increase of pension to Joseph L. Tomlinson; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 19265) for the relief of Emma M. Blackwell; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 19266) granting an increase of pension to James Dougherty; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 19267) granting an increase of pension to James H. Brown; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 19268) granting an increase of pension to Frederick Brinegar; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 19269) for the relief of Theodore Beiter; to the Committee on Naval Affairs.

By Mr. GARD: A bill (H. R. 19270) granting a pension to Ida M. Hammon; to the Committee on Pensions.

Also, a bill (H. R. 19271) granting a pension to George Tuffensam; to the Committee on Pensions.

Also, a bill (H. R. 19272) granting an increase of pension to Frederick C. Hoopert, alias Frederick C. Hupee; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19273) for the relief of the heirs of James Spiars; to the Committee on War Claims.

By Mr. KENNEDY of Iowa: A bill (H. R. 19274) granting an increase of pension to Nicholas McKenzie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19275) granting a pension to Barbara Peiris; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 19276) granting an increase of pension to George Blevins; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 19277) granting an increase of pension to Frank Rupert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19278) granting an increase of pension to John H. Westmeyer; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 19279) granting an increase of pension to Phoebe Greer; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 19280) granting a pension to Charles L. Nance; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVIS: Petitions of the Alderson Hardware Co. and others, of Alderson; Hinton Hardware Co., C. L. Parker, and

others, of Hinton; J. P. Brace and others, of St. Albans; R. E. L. Lloyd and others, of Gassaway, all in the State of West Virginia, in favor of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petitions of James Smith and Moses Alwine, of Johnstown; John C. Cosgrove, of Cherry Tree; John L. Zeth, of Hopewell; I. J. Hoover, of Patton; I. L. Binder and Amandus Baker, of Hastings, all in the State of Pennsylvania, protesting against a war tax on automobiles; to the Committee on Ways and Means.

Also, petition of the Hostetter Co., of Pittsburgh, Pa., protesting against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. BAKER: Petition of the Hollock Denton Co., of Newark, N. J., protesting against tax on alcohol; to the Committee on Ways and Means.

By Mr. CALDER: Petition of Phillip Matty, H. B. Smith, Carl Wilk, F. H. Plate, H. Planten & Son, C. F. Hatterman, Prof. Otto Rauenheimer, J. H. Schell, W. G. Turner, M. Arneman, I. D. McElhenie, T. C. Bonaue, P. H. Henkel, J. H. Rehfuess, H. Neetzoldt, Adolph Schwartz, S. Glasscoff, W. H. Bresheuschu, H. Flinling, Alexander Gardner, Fred Burgett, all of Brooklyn; C. L. McClouth, of Little Valley; and Henry K. Lathrop, of New York, all in the State of New York, against tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of W. Quackenbush, of New York, favoring Moss bill (H. R. 17329); to the Committee on Agriculture.

By Mr. CARR: Petition of W. H. Kanter, of Somerset; G. N. Schrock, of Somerset; Arthur L. Knepp, of Sand Patch; Charles A. Trapp, of Listie; Will T. Gordon, of Hastings; Carl J. Fronheiser, of Johnstown; U. F. Rayman, of Berlin; H. W. Judy and Cornelius Judy, of Garrett; Dr. R. B. Colvin, of Somerset; Max Halpert, of Jerome; S. E. Engle, of Boynton; Axel Person, of Ridgway; John C. Cosgrove, of Cherry Tree; Daniel Statler, of Johnstown; H. L. Holsteinle, of Confluence; S. J. Maust, of Elk Lick; J. C. Reiman, of Berlin, all in the State of Pennsylvania, protesting against tax per horsepower on automobiles; to the Committee on Ways and Means.

By Mr. CARY: Petition of the A. Schrader Co. and Robert M. Dado, of Milwaukee, Wis., protesting against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. DALE: Petition of D. Ransom Son & Co., of Buffalo, N. Y., and the Iowa Pharmaceutical Association, of Algona, Iowa, protesting against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of the Hallock, Denton Co., of Newark, N. J., and Otto Edler, of West Hoboken, N. J., protesting against tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of the William Wrigley, Jr., Co., of Chicago, Ill., protesting against tax on chewing gum; to the Committee on Ways and Means.

Also, petition of the Labor Council of Greater New York, protesting against the war in Europe; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Pennsylvania: Petition of the Iowa Pharmaceutical Association, of Algona, Iowa, protesting against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. GRIFFIN: Petition of the commissioner of docks and ferries, New York City, relative to improvement of New York Harbor; to the Committee on Rivers and Harbors.

Also, petitions of the Iowa Pharmaceutical Association, of Algona, Iowa, and sundry citizens of Brooklyn and New York, protesting against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of the Salt Lake Federation of Labor, of Salt Lake City, Utah, protesting against contract system of Post Office Department for printing stamped envelopes; to the Committee on the Post Office and Post Roads.

Also, memorial of the St. George (Utah) Commercial Club, relative to amendment to bill for construction of a Government railroad from Marysville, Utah, to the Kisbert Forest; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the National Association of Life Underwriters, favoring a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Utah Federation of Labor, protesting against national prohibition; to the Committee on Rules.

By Mr. HUMPHREYS of Mississippi: Paper to accompany a bill for relief of heirs of James Spiars; to the Committee on War Claims.

By Mr. MAGUIRE of Nebraska: Petition of various business men of Dunbar, Nebr., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. MERRITT: Telegram of the Lake Placid Pharmacy, Lake Placid, N. Y., protesting against proposed tax on proprietary medicines and toilet articles; to the Committee on Ways and Means.

Also, telegram from Sweet & Martin, druggists, Port Henry, N. Y., urging modification of proposed stamp tax on drugs; to the Committee on Ways and Means.

By Mr. MURRAY: Petitions of sundry citizens of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Memorial of the National Council of the Daughters of Liberty of Philadelphia, Pa., favoring passage of House bill 6060; to the Committee on Immigration and Naturalization.

Also, petition of Mrs. Ida L. Aldrich, Mr. L. P. Payne, and Miss Louise Emmons, of Hughson; Miss Lillian J. Backstrand, of Riverside; Mr. J. W. Oakley, Mrs. L. W. Lawsher, and Mr. F. G. Richardson, of Los Angeles; Miss Athelene Spoon, Miss Beula Marie Spoon, Miss Ruth V. Runyan, Mrs. Carrie Spoon, Mr. W. E. Spoon, and Miss Lucile R. Spoon, of Pacific Grove; Mrs. M. B. Farwell, of Denoir; Miss Emily A. Swanson, of Hughson; Mrs. Rachel G. Stubbs, of Los Angeles; and Miss Lucy C. Gay, of Glenburn, all in the State of California, favoring national prohibition; to the Committee on Rules.

Also, petitions of F. S. Ackerman, of the Yreka (Cal.) Pharmaceutical Association, and Moorons' Drug Store, protesting against tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of the Bank of Corning, Cal., protesting against tax on automobiles; to the Committee on Ways and Means.

Also, memorial of Athens Parlor, No. 195, of Oakland; Lakeside Lodge, No. 143, Knights of Pythias; Independent Order Odd Fellows' Military Band; Alpha Neighborhood Club; Yosemite Tribe, No. 103, Improved Order of Red Men; Reinold Ritcher Camp, No. 2, United Spanish War Veterans; Monadnock Tribe, No. 100, Improved Order of Red Men, all of San Francisco, Cal., favoring passage of the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, petition of S. C. Painter and William Painter, of Lake City; Charles Morton, of Bayles; Thomas Reynolds, of Portola; and Martin Hveem, of Bayles, all in the State of California, protesting against national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Protest on behalf of 50,000 members of the Iowa State Traveling Men's Association, against proposed war tax on mutual accident insurance; to the Committee on Ways and Means.

By Mr. WINSLOW: Petition of 19 citizens of Worcester, Mass., favoring national prohibition; to the Committee on Rules.

SENATE.

WEDNESDAY, October 14, 1914.

(Legislative day of Thursday, October 8, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

EMERGENCY REVENUE LEGISLATION (S. DOC. NO. 600).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, which will be read.

The communication was read, referred to the Committee on Finance, and ordered to be printed, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, October 13, 1914.

THE PRESIDENT OF THE SENATE.

SIR: In compliance with Senate resolution of October 8 (calendar day, October 9), 1914, I have the honor to submit herewith an estimate in detail of the amount of revenue that will be raised by H. R. 18891 as amended by the Senate Committee on Finance and reported to the Senate on October 8, 1914.

The estimate submitted covers collections to be made for one year.

From—		
Fermented liquors	-----	\$43,795,000
Rectified spirits	-----	5,000,000
Wines—		
Sweet	-----	\$4,960,000
Dry	-----	3,260,000
		8,220,000
Total	-----	57,015,000
Special taxes:		
Bankers	-----	4,300,000
Pawnbrokers	-----	250,000
Brokers—		
Commercial	-----	250,000
Customhouse	-----	12,000
Total	-----	4,812,000